

DEPARTMENT OF AGRICULTURE AND TECHNICAL
INSTRUCTION FOR IRELAND.

DEPARTMENTAL COMMITTEE

ON

IRISH INLAND FISHERIES.

MINUTES OF EVIDENCE, APPENDICES AND INDEX.

Presented to both Houses of Parliament by Command of His Majesty.



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To His Excellency, JOHN CAMPBELL, Earl of Aberdeen, &c., &c.,
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MAY IT PLEASE YOUR EXCELLENCY,

I am directed by the Vice-President to submit to Your Excellency the
Minutes of Evidence taken by the Departmental Committee on Irish Inland
Fisheries, with the Appendices thereto

I have the honour to remain,

Your Excellency's faithful Servant,

T. P. GILL,

Secretary.

Department of Agriculture and
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Upper Merrion Street,
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DEPARTMENTAL COMMITTEE ON IRISH INLAND FISHERIES.

LIST OF MEMBERS OF THE COMMITTEE.

THE RIGHT HON. SIR DAVID HARREL K.C.B., K.C.V.O., etc. (Chairman).

THE RIGHT HON. MR. JUSTICE ROSS, Lord Judge, High Court of Justice in Ireland.

THE RIGHT HON. F. S. WRENCH, Estates Commissioner.

THE REVEREND JOHN PENTLAND MAHAFFY, D.C.L., LL.D., C.V.O., etc., Senior Fellow of Trinity College, Dublin.

STEPHEN L. GWYNN, Esq., M.P.

W. L. CALDERWOOD, Esq., F.R.S.E., Inspector of Salmon Fisheries for Scotland.

W. S. GREEN, Esq., C.B., M.A., F.R.G.S., M.R.I.A., Chief Inspector of Fisheries for the Department of Agriculture and Technical Instruction for Ireland.

Secretary—R. H. LEE, Esq.

TERMS OF REFERENCE.

"To enquire into the effect which changes in the ownership of land in Ireland under the Land Acts have had or may be expected to have on the Fisheries of the country, and in particular on the Salmon Fishing Industry, and to make recommendations as to what steps, if any, it may be desirable in the circumstances for the State to adopt in the interests of Irish Fisheries."

DEPARTMENTAL COMMITTEE ON IRISH INLAND FISHERIES.

MINUTES OF EVIDENCE.

FIRST PUBLIC SITTING.

FRIDAY, 24th MARCH, 1911,

AT 11 A.M.,

At 4, Upper Merrion Street, Dublin.

PRESENT :

THE RIGHT HON. SIR DAVID HARRIS, K.C.B., K.C.V.O., P.C. (CHAIRMAN).

The Right Hon. Mr. JUSTICE ROSS, P.C.

The Right Hon. FREDERICK S. WISEMAN, P.C.

The Rev. JOHN FORTLAND MARAFFY, D.C.L., LL.D.,
C.V.O.

Mr. STEPHEN L. GWYNN, M.P.

Mr. W. L. CALDERWOOD, F.R.S.E.

Mr. W. S. GREEN, C.B., M.A.

Mr. R. H. LEE, Secretary.

The Secretary, at the request of the Chairman, read the Minute appointing the Committee, as follows:—

I hereby nominate and appoint a Committee to enquire into the effect which changes in the ownership of land in Ireland under the Land Acts have had or may be expected to have on the Fisheries of the country, and in particular on the Salmon Fishing Industry, and to make recommendations as to what steps, if any, it may be desirable in the circumstances for the State to adopt in the interests of Irish Fisheries.

The Committee will consist of the following:—

The Right Hon. Sir DAVID HARRIS, K.C.B., K.C.V.O., P.C., etc. (Chairman).

The Right Hon. Mr. JUSTICE ROSS, P.C., Lord Judge, High Court of Justice in Ireland.

The Right Hon. F. S. WISEMAN, P.C., Estates Commissioner.

The Reverend JOHN FORTLAND MARAFFY, D.C.L., LL.D., C.V.O., etc., Senior Fellow of Trinity College, Dublin.

STEPHEN L. GWYNN, Esq., M.P.
W. L. CALDERWOOD, Esq., F.R.S.E., Inspector of Salmon Fisheries for Scotland.

W. S. GREEN, Esq., C.B., M.A., F.R.S.E., M.R.I.A., Chief Inspector of Fisheries for the Department of Agriculture and Technical Instruction for Ireland.

(Signed) T. W. EYRELL,
Vice-President of the Department of
Agriculture and Technical Instruction
for Ireland.

Dated this 28th day of January, 1911.

The Secretary, at the request of the Chairman, also read the Minutes of the Proceedings of the first meeting of the Committee as follows:—

DEPARTMENTAL COMMITTEE ON IRISH INLAND FISHERIES.

MINUTES OF PROCEEDINGS.

FIRST MEETING.

Wednesday, 22nd February, 1911.

The Committee met at 2.30 p.m. at the Office of the Department of Agriculture and Technical Instruction, Upper Merrion Street, Dublin.

The following were present:—The Right Hon. Sir DAVID HARRIS, K.C.B., K.C.V.O., P.C. (CHAIRMAN); the Right Hon. Mr. JUSTICE ROSS, P.C.; the Right Hon. FREDERICK S. WISEMAN, P.C.; the Rev. JOHN FORTLAND MARAFFY, D.C.L., LL.D., C.V.O.; Mr. W. L. CALDERWOOD, F.R.S.E.; Mr. W. S. GREEN, C.B., M.A.; and Mr. R. H. LEE, Secretary.

A letter was read from Mr. Stephen L. Gwynn, M.P., expressing regret at his inability to attend owing to Parliamentary engagements.

Copies of the Minute appointing the Committee were laid on the table.

It was decided that the meetings of the Committee for the reception of oral evidence should be open to the public and to the Press.

It was decided that three members should form a quorum.

The Committee had under consideration the procedure to be adopted in initiating their inquiry. They had before them the preliminary memorandum prepared for their information by Mr. Green. The Chairman stated that in order to obtain requisite particulars it would be necessary to procure evidence, or information.

in other forms, from (a) the Fisheries Branch of the Department of Agriculture and Technical Instruction, (b) the Estates Commissioners, (c) the Congested Districts Board, (d) the Registry of Titles, (e) the Valuation Office, and probably (f) the Board of Works. The Commission agreed that it would be convenient to take evidence from such official sources before hearing other witnesses.

After discussion it was decided, as an initial measure, to obtain certain particulars in respect of five typical rivers, viz., the Ouse, the Liffey, the Great Ouse, the Great Ouse, and the Lee. The particulars required were to include

the names of the present riparian owners from the sea up to the highest point on the rivers where salmon angling is carried on, both in the cases of estates which have been sold under the Land Acts and others; and information as to how the fishing rights in these various cases are owned or have been dealt with in the process of sale.

The Chairman, Mr. Wrench and Mr. Green were appointed a Sub-Committee to supervise the collection of information on these heads from time to time as might be necessary.

The Committee adjourned at 4.15 p.m.

24th March, 1911.

Mr. R. W. L. Hoar, examined.

Chairman.

Chairman—continued.

1. Mr. Hoar, what is your position?—Inspector of Fisheries.

2. In the Department?—In the Department of Agriculture.

3. You have prepared a statement of evidence for the benefit of the Committee?—I have, sir.

4. I see you have divided it into eleven headings?—Yes.

5. Perhaps you would just read us what you have prepared, Mr. Hoar—that is an easier way than to ask you questions?—Very well, sir. The first heading I have put down is "General Fisheries." This evidence is meant to be illustrative of the points raised in the memorandum which, I understand, has been handed in to the Committee by Mr. Green. In a very few cases several fisheries extending over the whole of a river are claimed apart from riparian ownership. One instance is given in the Co. Donegal, and there is another case in which a river, the Ussie in Ballinacorney, was made a fishery by Act of Parliament in favour of one Joseph Cooper. The next case I have is that of Rush, which has also been claimed as a several fishery throughout its course. In other cases, not very numerous, a several fishery over the whole of a river exists in virtue of continuous riparian ownership. Instances are found in the case of rivers, such as the Ballinacorney and others, which altogether belong to the land-owner, Mr. Berridge, and further north are the Erriff and others, which belong throughout their course to Lord Sligo. Several fisheries also exist under alleged charter, which, although not extending over the whole river, are commonly independent of riparian ownership. Instances of this are found in Galway, where, I believe, Mr. Halliwell has a several fishery which involves no ownership of land at all except a small strip along one bank. And, of course, a several fishery exists where there is riparian ownership and also ownership of the soil of the river. Now as to Crown rights, in fresh water these rights are for the most part rather indefinite, because not substantially asserted. In the Shannon, rights of salmon fishing vested in the Office of Public Works are perfectly definite, but these are founded on an Act of Parliament. In Lough Neagh, rights purporting to be derived from the Crown, independent of riparian ownership, are claimed, but are at present and justice. The men who fish in the Lough, without leave from any owner, at present dispute the validity of the grant of this fishery. In other large lakes and in parts of the Shannon, the Crown is understood to claim rights which it has not hitherto asserted to the satisfaction of the public as to angling, nor in some cases to the exclusion of alleged private rights of netting by riparian owners who do not appear to own the bed and soil of the lake or river. I think that is a matter on which you would require to get information from Mr. Harper Wolfe, of the Quilt Rent Office, because he knows all about these things and we only know of them by chance. As to customs of fishing—angling, and to a less degree netting, whether for trout or coarse fish, are carried on in large lakes without regard to riparian ownership. Netting is carried on in part of the fresh water of the Shannon by persons whose rights in the matter are at least obscure. There is netting, for instance, in a number of the Westmeath lakes and in the

large lakes of the Shannon which seems to be carried on without the permission of anyone in particular. As to the matter of public and private rights of fishing, there is no right of netting and cross-hauling for salmon and trout in fresh water without permission of the owner of the several fishery, and any person so fishing is liable to prosecution for a fishery offence and not merely as a matter of trespass. The difficulty of ascertaining ownership in lakes offers some inconvenience in dealing with netting problems arising out of purchases of riparian lands. The vendor may have owned, and the purchaser may have acquired, no part of the lake, but if an ancient custom or right of netting by a riparian owner be asserted it is not easy to dispose of. Such instances have actually arisen in Lough Corrib, where a proprietor has started netting chiefly for trout, and by agreement with other purchasing tenants, is extending his netting operations beyond his own holding, and it appears to me that difficulties of that sort might be met with in connection with other cases of purchase. All use of rights of fishing is subject to control by the Department by by-law, a fact which does not seem to be always sufficiently understood by purchasing tenants. Cases have come to the knowledge of the Department in which tenant purchasers appeared to believe their property exempt even from the provisions of statute law. As to sea and tidal waters, the common law right of drift netting becomes virtually a private right in narrow estuaries where the fishing is successfully claimed by the owners of land on which it exists; because drift netting cannot be carried on by the public in such places without trespass on land or shore. Sub-division of ownership of land under the Ashbourne Act appears to have already tended to the establishment of small virtually private net fisheries in such places, and the tendency of sub-division seems to be an increase of netting. I do not know whether it is necessary to advert at all to common-law netting in estuaries. It is generally to the effect that wherever the tide rises and flows and where there is no several fishery, the public have a right to fish in any legal way they like (subject to the provisions of any by-laws which may exist), save within half a mile of the defined mouth of the river, and, of course, there are further restrictions as to the use of stake nets and bag nets, but they do not affect the public as they are always privately owned.

6. What do you mean by the mouth of the river?—The mouth of the river is the place defined by the Commissioners in the old days and sometimes as present by the Inspectors of Fisheries as the mouth of the river.

7. It has nothing to do with the rise and fall of the tide?—No.

8. It has nothing to do with the portion of the river which is tidal?—It is supposed to be what is the real mouth of the river, and the term may be and almost invariably is applied to the extreme seaward end of the estuary, but it is a matter which is left entirely to the discretion of the Commissioners or their successors, the Inspectors, subject to an appeal before the Privy Council.

9. When you say half-a-mile that is that the line must be half-a-mile below the defined mouth of the river?—Or above. But there is no common-law right of netting in the fresh water at all.

24 March, 1911.]

Mr. E. W. L. H. O'NEILL—continued.

[DUBLIN.]

Mr. Guyan.

10. I should like to know what is the rationale of that provision?—The Act was passed long before my recollection.

11. Now, for instance, take the case of the Shannon. Where is the mouth of the Shannon?—The mouth of the Shannon is a line from Kinsale Point to Kildonan Point, below Souttery Island.

12. You mean there is a belt half-a-mile wide across the Shannon in which there is no public right of netting?—That is so.

13. What practical justification can there be for such an enactment?—Well, the Shannon is a rather exceptional river, and I should think that when the Act was passed for defining the mouth it was contemplated that the mouth of the river would be fixed at some place which would afford special facilities for obstructing the run of the fish.

Mr. Calderwood.

14. Is it arbitrarily placed where the fish congregate, to protect the fish. Is that the object, to protect them at what has been called the playing ground elsewhere—namely, at the mouth of the river?—So far as I am aware that is the object. It is a very old Act, and we are merely concerned in administering it. We are not very often called upon to fix the mouth of a river now.

Mr. Guyan.

15. Has that statute any protective value at all?—Well, it has. It prevents in a short sentence continuous netting throughout it; and, as you know, the protection of the fish immediately outside the estuary is very valuable, because they are very often found swimming round there for a considerable time before they actually take to the estuary.

Mr. Green.

16. Was not the object of this enactment to give the fish that are coming along from the sea a good chance of entering the estuary, under the assumption that if they once entered they would go on up the river?—Undoubtedly that was the object, the definition is, of course, also necessary for the application of various provisions in the Fisheries Code.

Chairman.

17. Then the form of netting is different on the river side and on the sea side of this interval which is protected?—No; you can use drift nets on either side.

18. On the sea side could you not use other nets as well as drift nets?—You could use bag nets equally on the other side. Bag nets are prohibited in estuaries, and it is only possible to fish drift nets in estuaries and at sea.

Mr. Calderwood.

19. What about fixed engines?—They are prohibited in all the blue area of the map (exhibited); certain kinds of stake nets in the red area and blue area, and bag nets in all three.

Mr. Wrench.

20. Then, when you come to purely fresh waters, what rights of netting are there?—The superior owners, in the absence of a several fishery, by charter, have rights of netting there—rights of drift netting and snap netting. I never heard of their having drift netting in fresh waters. And they use loop nets and pole nets and stone weirs.

Dr. Mahaffy.

21. Is it not the case that in the Tweed they extended the point they called the mouth of the river from three miles out to seven?—I do not know. That is not in our jurisdiction.

22. I was informed that that was done on account of the fishermen going outside the three miles limit?—I do not know.

23. And another thing I remember, about Horn Head, Stewart, or Horn Head, by bag nets, which are able to catch great quantities of salmon outside the Head, accused to go right across the fish that went up the river, and be damaged that river most seriously for years till it was stopped by law?—Bag nets were greatly restricted, but in recent years they have not been interfered with.

Dr. Mahaffy.

I am sorry to say they have not.

Chairman.

24. Now, Mr. Holt, would you proceed?—Well, I do not know whether you are prepared to consider oyster beds. They are affected by tenant purchase. Private oyster beds are held under alleged charter, or under licenses from the Department or their predecessors. Licenses mostly expired for their continuance on the continuance of consent of the owner of abutting lands, though the procedure for determining a license on the determination of the consent is obscure, and no apt rate not within the province of the Department, who are only able to cancel licenses on grounds of neglect of cultivation, etc. There is a tendency on the part of purchasing tenants to claim the part of a private oyster bed opposite their land, and the moral result of such claim if successful would be to render the oyster bed of little or no value to anyone. In one case, however, the tenants of an estate which is not yet sold have established a virtual private ownership in a natural oyster bed supposed to belong to the estate and have since worked it very well, sharing the profits in proportion to the rents of their holdings.

Mr. Wrench.

25. Would you mind telling us where that estate is?—O'Donoghue-Blake-Foster estate.

Dr. Mahaffy.

26. Where is that?—Near Kinsale.

27. Is Galway?—It is near the border of Clare and Galway on the south side of the bay.

28. All the south side of Galway Bay to Ballyvaughan is all Clare. If it is made that it is in Clare?—No, it is not in Clare, sir. It is about two miles in Galway.

29. You say that the only reason for which they can be stopped is bad cultivation?—That is the only reason for the Department.

30. Suppose it was proved that it was an unhealthy site, and sewage, would that come in?—Unfortunately we have no powers. People did not know anything about microbes when the legislation was made.

31. That is an important question?—Even the Local Government Board have virtually no powers of interfering with the sale of oysters from polluted beds.

Witness resumes his statement.—An equally satisfactory arrangement can hardly be expected in the case of relying beds, such as are the majority of private beds, but the Irish oyster industry would probably be greatly improved if it were possible to vest public natural beds in narrow waters in a corporation of the purchasing tenants of lands immediately adjoining. There is a great difficulty in doing so at present.

Mr. Wrench.

32. Would you mind saying what is the arrangement these tenant purchasers have agreed to with regard to the oyster beds at Kinsale?—Well, they are not tenant purchasers yet. I fancy the estate is in the hands of a receiver, but I am not quite certain. The arrangement they made was virtually this. They said that oyster bed was theirs, and that if anyone else came near it they would talk to him, and they did at first. And since then they all work the bed in the open season, and they pool the catch and sell it the best way they can, and they divide the profits amongst themselves according to the rents of their holdings.

33. They are good beds, are they?—Very good beds. They take good care of them, as good care as any private owner possibly could.

Mr. Guyan.

34. Does that mean a considerable addition to the yearly revenue there?—Yes, it must mean a very considerable addition. I think they produce about 150,000 oysters a year, or something of that sort, and they get the highest price for them.

Dr. Mahaffy.

35. Has that arrangement of theirs lasted long?—As long as I remember—twelve years.

36. There is no appearance of local quarrels disturbing it?—Witness—Among themselves.

37. Yes?—They never showed the least tendency to quarrel among themselves, so far as I know.

38. Is twelve years?—No.

Dr. Mahaffy.

I am delighted to hear it.

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Mr. E. W. L. Storr—continued.

[Dublin.]

Mr. French.

Mr. French—continued.

29. It is more important than any revenue they get out of the land—£36 for about three acres?—Yes, it is not a very valuable estate. The Congested Districts Board are dealing with it now.

Regarding the question of eel fisheries, eels are caught by means of weirs or other fixed engines, fine-mesh drift nets, long lines, and eel spoons. The large weirs now fishing are valuable properties, and are not likely to fall into the hands of ignorant tenant purchasers, but there are also a number of small weirs of no great value and not always fished, which may probably change ownership. In other cases there are large weirs long derelict which might, by the improvement of transport facilities, be worth working nowadays by a tenant purchaser. In at least one such case the weir seems to extend over several purchased holdings. There is no doubt that the eel fishery is not exploited to anything like its full capacity and could in many places be profitably worked by small ignorant owners. The law as to eel weirs, however, is so obscure and the provisions as to King's Gap so remarkable, that development in this direction is at present improbable. To return to salmon and trout, I hand in a return and graphic curves of licensed catches for the last twenty years. (Documents handed in.) The return is arranged according to districts. The graphic curves take all the districts together. I should explain that the Waterford district was part of the Killarney district till 1903, which accounts for the sudden decline in Killarney licenses in that year. As far as the numbers of licences of different kinds are concerned it does not appear that the operation of recent purchase Acts has had any sensible effect, but on the other hand, the increase within recent years in one particular kind of engine, viz., drift nets, may be supposed to have a distinct effect on the value of purchased fishing rights. In the southern districts where drift netting is legally proscribed, viz., Waterford, Lismore, and Lismore, there is no great change in the number of nets save for a rather marked decline since 1888 in Lismore. The case is different in the northern districts—Benger, Ballina, Ballyvaughan, Letterkenney, and Londonderry. In Londonderry a considerable increase in the number of drift nets, due to local enterprise, occurred about 1867, and has since been maintained. In Ballina drift nets show a decline until 1908 when a sudden revival took place. The decline is one of nets used in Killybegs Bay, where various circumstances tended to make this form of fishing unprofitable. The revival is due to the institution of drift netting in the western part of the district where there had previously been little sea-fishing of any kind.

Benger, Ballyvaughan and Letterkenney also show a sudden development of drift netting (since mentioned) in 1905, and in all cases the fishing appears to have been financed by outside speculators, who supplied nets, etc., and in return got fish at a low price. A simultaneous attempt to develop a similar fishery in the Galway district came to nothing, presumably because the fishermen failed to find the "dolls" along which salmon travel during the drifting season. Under the common law of fishery the development of drift netting in the open sea would seem to be perfectly legitimate by whomsoever financed, but its undoubted effect on the number of fish available for capture in estuaries and fresh water must be a matter for serious consideration in any scheme that may be formulated for dealing with rights of salmon fishery in rivers. It is worth special attention as considering the scheme administered in the English Salmon and Fresh-water Fisheries Act of 1867, which seems to contemplate the substitution of bag nets on the sea coast for netting in estuary and fresh water. In Ireland the salmon supply is already taxed in the sea to the fullest extent by drift nets, so that if you added more bag nets—well, the result could not be altogether what one wished. I hand in these English Acts if you care to see them. To return to licensed engines, the snarp nets belong mostly to the Waterford district. They are almost all worked by men fishing for themselves either under common law or by collusion of, or payments of rent to, owners of several fisheries. The marked decline in their number since 1886 cannot be connected with head purchase which, in fact, has caused a slight increase of snarp nets on the Shannon. Drift nets are worked indiscriminately in public and private waters, and the figures at our disposal do not

permit of discrimination in this respect. We know there has been a considerable reduction in private drift nets, and common-law drift nets worked by men who are in no sense capitalists, respected readily to the influence of head owners, such as the late 'Nimrods'. Land purchase rather tends to increase them. Loop nets are confined to Letterkenney. They are nets in the form of a bow worked on a lever by men standing in the water.

Dr. Makaffy.

40. Would not the natural tendency of people getting farms into their hands be to increase diligence on the land, and, therefore, to diminish the number of idle people who spend their time in netting?—I have heard that theory put forward, but so far as I have the means of judging I think the large proprietors have in their own interests found it necessary to reduce netting, and the bad seasons of the late 'Nimrods' but the poor men so badly that they could not pay licence next year, and they have not been able to do it since. I remember seven nets being worked on one river where there are only two now.

41. But that is not likely to last?—Take an instance last year—I mean 1908—one net got 600 fish and next year there were two nets and they got fairly fish between them, and next year there will be no net at all.

Mr. Gwynn.

42. What river is that?—The Kilskealy river. And in the fishery above that I saw plenty of fish jumping.

43. So that it did not do the fish any harm?—It did not seem to unduly reduce the stock.

44. And do you mean that there was an exceptional run that one year?—Yes. In summer this river is not contained beyond Kilskealy dam. It is all underground above that, and if there are any fish you can see them in the highest pool.

Dr. Makaffy.

45. Where is that river?—It is in the County Galway, at the head of Galway Bay.

Mr. Green.

46. That is a very exceptional river. You can hardly quote that as an instance affecting the numbers in a river of a normal character?—All I said was that it was possible to see in that river that the capture of those 600 fish had not apparently unduly diminished the number of fish. There seemed to be as many as usual above. It is a very exceptional river.

Dr. Makaffy.

47. That is very important. Is there a lake at the head of that river?—No, not that I am aware of.

Snake nets, fyke nets, bag nets, hood weirs, and the boxes or cribs of stone works are all in private hands. Pole nets are mostly used in adjuncts to one or another of these. Gaps, eyes, and cagill nets all belong to privately owned eel weirs. Drift nets and trammel nets for salmon are confined to Lough Neagh, and are used by the public without interference by the owners of the fishery, wherever they may be. Drift nets for eels, licensed in 1904, 1907, and 1908, for use in Lough Neagh, have disappeared, at least temporarily, owing to litigation about the ownership of the eel fishery. Cross-lines, recently used by consent of owners of several fisheries, are their great decline in 1890 to the prohibition of cross-lining in Lough Corrib by a by-law of 1898. It is possible that they may increase as a result of riparian purchase, but in effect the necessary legal consent has not usually been the object of close inquiry. The fluctuations in the number of rod licences are to some extent affected by contested elections of conservators, a rod licence being the cheapest way of qualifying a voter, but the very marked and sustained increase since 1902 is independent of this, and it is obvious that there has been a very great increase in the number of licensed anglers in recent years.

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Mr. E. W. L. MOIR—continued.

[DUBLIN.]

Mr. Guyan—continued.

Mr. Wrenck.

48. Do you think that there is an increase in the number of people coming over to Ireland for fishing?—I do not know that there is a marked increase, but there might be. All I wanted to point out was that tenant purchase, as far as it has gone, has not tended to reduce angling.

Dr. Mahaffy.

49. I know that the number of people coming from other countries to fish between Lough Corrib and Lough Mask has increased enormously, and that about 95 per cent. are English people coming over, so that I have not the least doubt that there is an increase of that kind of thing?—I dare say that is so, and I think people have found out lately the valuable fine fishing that there is up in the north.

50. The difficulty always was the fax water coming down at a particular season. If they did not kill the fish they sickened it?—I do not know that it was less in recent years.

51. But there has been a great diminution of fax culture?—That is so. The next point I have down is dealing with conservators.

Mr. Guyan.

52. You said there were very few rivers where there was a valid claim to a several fishery?—Yes.

53. And at Galway, I think, you said that the several fishery claimed was limited to what was fished below the weir?—No, I did not say that, but I said it was independent, to a large extent, of ownership of land alongside. The several fishery, I believe, extends from the lake down to the sea.

54. There is again the case of the Lennon. I remember a several fishery used to be claimed over the whole water of the Lennon, irrespective of riparian ownership?—I was not aware of it. It may very likely be. We have no official knowledge of these matters. By chance we hear.

55. The statement that you are giving here must not be taken as exhaustive then?—Certainly not, on such matters.

Dr. Mahaffy.

I hardly know another case in Ireland or in the whole empire like Sir H. Stewart's, being a several fishery from the sea up to the top.

Mr. Guyan.

56. Spurdy Greenham was claimed as a several fishery, was it not?—There was litigation about that several years ago. I think whoever claimed to own the river went to law with a man for catching herring. I think the herring-man got the best of it. It arose out of a claim to a several fishery so far as I know.

57. A tenant purchaser claimed rights there and disputed it with the owner of the several fishery. Would you mind telling me do those fishermen in Lough Neagh pay licence?—Witness.—Do you mean a licence to net?

58. Yes?—Oh yes, they must pay licence to net salmon or trout.

Dr. Mahaffy.

59. What about pollen?—There is no licence required. You have to take out a licence for pollen netting. It is some small sum.

60. Lough Neagh is the only water in which pollen are fished?—The only water in which pollen are extensively fished. They tried to fish for pollen in Lough Erne some time ago. They have plenty of pollen there. The law as to pollen is difficult, because pollen are defined as trout in certain Acts.

Mr. Guyan.

61. Whom does that licence go to?—To the Board of Conservators.

62. And again, you were talking of an extension of netting in Lough Corrib. Did I understand you to say that a man who had recently become a tenant purchaser was establishing drift netting on the shore there?—That is what I said. A gentleman told his

estate to the Congested Districts Board, and repurchased a certain part of it, and after that began to net on the part that he had purchased, and by permission of the purchasees of other parts, but, so far as I know, the title entitled absolutely no part of the lake water or bed, and made no mention of fishing.

63. Do you know under what title Lord Ardilaun nets?—I know he does, but I do not know under what title.

Dr. Mahaffy.

64. Was there any interference with this man who began to fish with nets by people who lived about the place and by anglers?—No actual interference, but the difficulty is that it would be rather an expensive thing to go to law about, if it was thought desirable to go to law.

Dr. Mahaffy.

But the poor people who have patches about there would not take that method of stopping him.

Mr. Wrenck.

65. Where was this?—Elor Hall. I think it passed through the Board.

66. Is there any pollen fishing on Lough Erne now?—No. A man was fishing the other day, and they prosecuted him for fishing without permission of the owner of the several fishery.

67. That is, the Conservators?—No, by a water licence in private employment.

68. And you have reason to believe that pollen exists in Lough Erne to a considerable extent?—I should not like to say to what extent.

69. Is it a profitable industry in Lough Neagh?—Yes.

70. Is it possible that it could be turned into a profitable industry in Lough Erne?—I think most probable. The difficulty, I believe, is that the Crown claims the exclusive right of netting in at least part of Lough Erne.

71. When they claimed this right how did they put it forward?

Mr. Guyan.

72. Have you any expert knowledge of questions of title—have you as Inspector of Fisheries any official cognisance?—Absolutely none. I can only answer as a member of the public.

Mr. Justice Ross.

The Crown have no rights to the fishing in an inland lake *prima facie*. That appears in the Lough Neagh case now before the House of Lords.

Mr. Guyan.

Your judgment had reference to the net fishery. Would not the decision carry with it the right to the other fishery as well—if the decision is good for one class of fishing it is good for the other?

Mr. Justice Ross.

Well, it is not quite clear. It was argued at one time that the patent from Queen Elizabeth carried the right of fishing and I held that the Crown had no right more than any individual private owner, unless possession was in the Crown at the date of the patent.

Mr. Wrenck.

73. What I want to get from you, Mr. Holt, is this—Do you know any obstacle which might interfere with the pollen fishery in Lough Erne being turned into a profitable industry?—There is a legal difficulty at present owing to pollen being interpreted as trout in certain Acts. That might be removed by legislation.

Dr. Mahaffy.

74. Is the season for pollen fishing the same as for trout or net?—No. The necessary close season for pollen is very much shorter than the necessary close season for salmon or trout, and it is fixed.

75. Fixed by law?—Yes, as to maximum duration. It may be altered as to dates, but has not been altered.

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Mr. E. W. L. Holt—continued.

[DUBLIN.]

Mr. Guyan.

Chairman—continued.

76. As to cross-line fishing, a cross-line is an engine that pays a licence?—Yes, £2 I think in most districts.

77. Whether for salmon or trout?—Oh, it is really always for trout.

78. And I think you said something about snap net fishing. Did I understand you to say that snap net fishermen, for instance on the Shannon where there is such fishing, fish on a common law right or have they a leasehold right?—Well, there are two sets, or rather four sets, of snap net fishermen on the Shannon. First of all, above Limerick, the Lax Weir fishermen have two snap nets which they work in two or three places below the Lax Weir. From the Lax Weir to Decatur there is a community of people known as the Sons of Men. They are hereditary fishermen, working in the region I have named, presumably by permission of the riparian owners, but exactly what their right may be I do not know.

79. You have not inquired into these rights?—It is no business of mine.

80. Do you know as a matter of fact that they claim tenant rights for the fishery, and they are anxious to support their claim and afraid that other people may dispute it?—Yes, and the same thing occurs up at O'Brien's Bridge. There are two snap net men there who are afraid of being dispossessed by tenant purchasers opposite where they fish. Shall I go on to the next point?

Chairman.

81. Yes, if you please!—The number of elected Conservators is fixed for each district. The number of ex-officio conservators is elastic. Those qualified under the 11 and 12 Victoria, Chapter 12, Section 4, as owners of a fishery valued at £200 or more are not likely to increase in number and must diminish if valuable fisheries are broken up by purchase. Another class of ex-officio conservator, viz., magistrates paying licence duty and owning land abutting on lake or river, is capable of such reduction that at any, and on occasion has, outnumbered the elected conservators. "Owner" in this case appears to include freeholder, middleman, tenant and sub-tenant, and if any or all of these are magistrates and choose to pay £1 for a rod licence they become conservators. The Local Government Act, 1888, Section 37, provided for another class of conservators. Boards of Conservators were empowered to invite District Councils to appoint conservators in virtue of contributions to the Board's funds. The number of Council's representatives was to be fixed by the Lord Lieutenant, but was not to exceed the number of conservators under the Fisheries Acts. Difficulty in giving effect to this provision would arise in a large district such as Limerick where the maximum number of ordinary conservators, elected and ex-officio, is about 50, and the number of District Councils is about 70. In the Waterford District, where alone the question was seriously pursued, the Lord Lieutenant decided that for every £10 per annum contributed to the conservators' funds a District Council might appoint one conservator, provided that the total number appointed by each Council did not exceed three. The Councils appeared to consider that representation was dear at the price and the matter dropped. It was referred to some extent by the Bill of Mr. Joyce, which did not get very far and was not resumed. In England local authorities have, and on occasion exercise, a considerable power of representation on Boards of Conservators. One District Council appoints 300 conservators. Irish Boards of Conservators have from ordinary sources an aggregate income of about £14,792, which, as far as can be foreseen, is not likely to be materially affected by purchase operations. It is very much less than they require for purposes of protection, and, perhaps, ought to be augmented by an increase of licence duties per rod to length of net on drift nets, which are engines of which the effectiveness can hardly have been apparent when the scale of duties was framed. The Department, as far as the

funds at their disposal admit, contribute to the funds of the conservators by annual grants, excluding private local subscriptions to the same funds whenever circumstances point to the possibility of getting any. In 1910 grants by the Department to conservators and local fishery associations amounted to £2,333, in respect of which were required private subscriptions amounting to £1,382. These subscriptions are collected by clerks of conservators or by some energetic member of the Board, or by the secretaries of fishery protection societies. They seem to come chiefly from owners of private fisheries and visiting anglers, but in the Cork district the common-law drift net fishermen subscribe a voluntary pondage on their catch. It does not seem very likely that the subdivision of riparian rights will lead to increase of subscriptions to funds administered by conservators (though protection may be improved in other ways). There is no licence duty necessary for brown trout angling, which is, perhaps, the fishery most likely to benefit by subdivision of rights, and it is not easy to recommend the universal imposition of such a licence duty. Contributions, in no case very large in amount, are made to certain Boards of Conservators and fishery societies by the Congested Districts Board, who usually or always invite an expression of opinion from the Department before making such contributions. As to hatcheries, the Department endeavour to improve salmon and trout fisheries by means of artificial propagation, on which they have spent about £5,500 in the last 10 years. In these operations they usually have no direct dealings with Boards of Conservators, who are not corporate bodies and cannot, therefore, become parties to agreements. These Boards are, moreover, elected for 3 years only, whereas it is not worth while to erect a hatchery unless a guarantee is forthcoming that it will be worked for at least 10 years. A further point is that, technically, Boards of Conservators are not empowered to spend money on artificial propagation, and when they appear to be doing so it is assumed that they are merely administering private subscriptions of Aoc. The Department, therefore, work their hatchery schemes under agreements with private individuals, who, in many cases, no doubt, obtain local contributions to meet their share of the expense. The Congested Districts Board contribute to several hatcheries, usually after reference to the Department. It does not seem likely that subdivision of riparian ownership will affect salmon hatcheries. Existing brown trout hatcheries are not likely to be affected unless the new riparian owners succeed in effectually altering the interest of the public in lake angling, but there is a prospect that under the new conditions the Department may be able to extend brown trout hatching operations by giving assistance in this matter to associations of small owners which permit angling on terms not beyond the pocket of the working man. The Department depend for their contributions to the Boards of Conservators, &c., and hatcheries on the surplus of the Agricultural Endowment, as no special provision was given to them by Parliament for the development and protection of inland fisheries.

Mr. Wiggan.

82. How many brown trout hatcheries are there now subsidised by the Department?—There is a very large one on Lough Corrib, and a lot of brown trout are hatched at the Kilree salmon hatchery.

Mr. Guyan.

83. Is there not one on the Maigue?—Yes, but we do not subsidise it for brown trout operations. They sometimes hatch for salmon, and if they asked us we would pay them something on the salmon fry.

84. But there are still a great many lakes in the north where the mere destruction of pike would in itself produce a good trout lake without any hatchery at all, and that is not carried out in the north, as I know it, but it would have an immense effect on that industry?

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Mr. E. W. L. Holt—continued.

[DEB.]

Mr. Justice Ross.

85. Have you any suggestion to make, or would you like to make any suggestion about the reorganisation of those Boards of Conservators? Have you thought it out (it does not seem to be very feasible, practically, at present)?—I have not considered the matter very deeply lately, and they seem to do their work fairly well on the whole. Since we have been able to assist them we are able to exercise some small control—wise or unwise—over their operations.

Mr. Gwynn.

86. They have materially improved the fishing on the Corrib, have they not?—*Witness*—The Conservators?

87. Well, the fishing has been improved by some persons, I suppose they are the Conservators?—Yes, partly by the Conservators, and partly by those local societies, and very largely, perhaps, by Mr. Hallett's men.

Dr. Mahaffy.

It has been by the catching of pike, I know, there—tons of pike.

Mr. Gwynn.

88. When you say Mr. Hallett's men, what do you mean?—Mr. Hallett pays a lot of money for winter protection, apart from what is paid by the Conservators.

89. I understand that the brown trout fishing was also greatly improved?—Oh, yes. Salmon and trout spawn in the same place. I said protection of one benefits the other.

Mr. Wrensch.

90. Do you think that anything could be done to improve the brown trout fishing, say, in a county like Wicklow, by hatcheries distributed at good spots?—I do not know. I did not know that there was very much the matter with brown trout fishing in Wicklow. I do not think you will ever get large trout in those mountain streams.

91. You won't improve the size?—There is no feed.

Mr. Gwynn.

92. Does not that vary from lake to lake. Take, for example, the lakes in Donegal, where you will find fish of different sizes. You may find that trout which you have introduced into a certain lake have done very well. It is a question of local conditions existing and the feed existing there?—I do not know anything of myself about these particular Donegal lakes, but some seem to me to be exceedingly hungry places. The Government have done a great deal of experimenting in the way of increasing the food in lakes by introducing other ingredients, but I do not know that they have reached any practical conclusion.

93. Have you considered the question of breeding and introducing hatcheries?—I remember hearing many years ago a lot of talk of importing smelt especially to feed Lough Dan, and I found that those people did not know the things that they were talking about by sight, or know where to look for them.

94. Take the Clare-Galway river. There you have got a river that will produce big trout. Do you think they will be able to produce fish there by trout hatcheries?—On the Clare-Galway river they are doing something else that will have, perhaps, a greater effect. They are contributing funds to staunch some of those shallow holes. The thing against the Clare-Galway river is that, when the summer comes on, all the young trout, and probably some of the big ones, go down those shallow holes. You know the course of the river was changed many years ago—I think during the famine—and, instead of running through a stomach country as it did before, they made it run in a straight line through stunted limestone.

Chairman.

95. Do the fish invariably perish when they go into the shallow holes?—No, I do not think they do invariably. There are some places where they go through. But I think, generally, the salmon come to a bad end in the shallow holes. I know one place where salmon actually come up from a lake through underground passages; but they are not exactly shallow holes. The worst heading, I think, is the effect of purchase on salmon and trout fisheries. Now, first taking fisheries on the sea and estuaries, several fisheries, whatever their nature, are not likely to be disturbed by purchase under the Land Acts, though they may

Chairman—continued.

pass from one owner to another. For instance, a large fishery at the mouth of the Lanes has recently been sold by the original owner to a new owner, and it has no connection with the Lanes. Cases in which the common-law right of fishing in narrow estuaries may be affected by change of riparian ownership have already been noticed. Nothing in fresh water has as yet hitherto been general. There are not many places where it can be legally pursued with profit, or, at any rate, with a profit greater than accrues from the rents or royalties of angling, by persons who would have to employ and pay fishermen. With the subdivision of riparian ownership the conditions may be altogether changed. A farmer living on the banks of a pool will know when there are fish in the pool, and, having to incur no expense except the cost of licence and net, may find it pays him well to net, whereas his farmer landlord would have lost money as well as sport over the transaction. It is hardly to be expected that the owner of a few yards of fishery, conscious of the probability of any fish that he may let pass being either caught by his neighbour at the next pool or destroyed by poachers in the head waters, will take a truly economic view of the permanent interests of the river. If he considers the matter at all, he may arrive at the perfectly sound conclusion that by selling all the fish he can, so long as they last, he may make some money for a few years, whereas by taking only such proportion of the fish as the general supply would allow, he might not make expenses. Such a man has to pay £3 in licence duty to the conservators, and has to observe the law, which provides for a sufficient passage for fish past his net, according to the known habits of salmon, whatever they may be. But fishing in river pools is commonly unprofitable if it leaves any passage at all for the fish, and to secure compliance with the law would usually cost the Conservators more than the value of the licence. Three cases of netting arising out of purchase have already called for judicial action by the Department. On the Barrow certain tenant purchasers started netting at a place where none had been pursued by the landlord, and where netting effected special destruction to the run of fish. A by-law, confirmed by the Privy Council on appeal, put an end to this practice. On the Ilan, in the Southwestern district, no netting was ever done in fresh water by the landowners, who allowed fish and surplus to angle. It is a river which in low water consists of a series of pools connected by shallows impassable by salmon. Netting in these pools would take every fish out of the river. Tenant purchasers of lands adjoining and including the pools proposed to net. The Department, having been asked to intervene, made a by-law prohibiting all netting in the river. In these two cases it was absolutely certain that netting would result, in the one case in very serious depletion, in the other case in practical extermination of the breeding stock of fish, so the duty of the Department was clear. In another case the Department were asked to prohibit netting in certain parts of the Upper Shannon, viz., about Tynagharry, near Longford, and below Athlone. On inquiry, it was found that most of the netting at these places had been carried on by purchasers under the Landowner Act in over twenty years, and that owing to the size of the river and the very short duration of the run of fish in the open season, substantial damage was irreparable. The Department did not feel justified in dealing with netting in this particular portion of the river without considering the whole question of fresh water netting in the Shannon, but intimated that if any serious development of netting took place they would again consider the matter. Tenants who acquire by purchase parts of a river in which angling is good enough to have yielded an income to the landlord, no doubt have to pay for it, and are not likely to net. The danger of new netting arises where the river previously yielded no income, and was probably not valued in ascertaining the purchase price. It is, nevertheless, a most unpleasant duty of the Department to take, by by-law, from a tenant purchaser the right of netting a fishery out of which, though it cost him nothing, he might have made some money for a few years. It is extremely probable that in some cases persons who (and their fathers before them) have made a living by netting either salmon, trout, or coarse fish in rivers and lakes, may find themselves ousted or compelled to pay a

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Mr. E. W. L. HOGE—continued.

[DUBLIN.]

Chairman—continued.

Dr. Mahaffy.

substantial rent by new riparian proprietors. The previous large proprietors had, of course, the same power of interfering with such people, but no reasonable landlord would think of disturbing an ancient custom of fishing which did him no harm, but, on the contrary, probably stood to him on rent day. Now, as to angling in fresh water, purchase operations involving a considerable extent of good angling water have been going on for some years, and have certainly not resulted in a reduction of angling licences. Tenant purchasers of angling rights undoubtedly value them if they had any known value before, and preserve them from unauthorised angling more strictly than their predecessors in title. Moreover, in some cases, where the landlord never attempted to interfere with angling by the public, the new riparian owner will now allow none. How long this will last in places where the angling is not worth paying for, remains to be seen, but for the present there is, no doubt, some restriction of free angling. The effect of this on the practical welfare of the country involves considerations which are somewhat outside the scope of fisheries administration. It may, in some places, reduce the number of tourists who have hitherto been attracted by free angling, and thereby reduce the earnings of hotel keepers and of the gillies who attend tourist anglers. It will almost certainly reduce the number of professional anglers in some districts; such anglers may be, according to their personal character, the best of both or the worst of both. For general consideration of the result of subdivision of angling rights, rivers are roughly divisible into two classes: (a) where there is good angling in parts of the river which are also important spawning beds; (b) where the best spawning reaches are not of primary importance for spawning. Rivers or parts of rivers coming under the first category (a) seem likely to be better protected than ever, so long as the subdivision is not excessive or is mitigated by combination of the new owners for better purposes. The owners have an obvious interest in protecting the spawning beds which lie at their door. In the second category (b), owners cannot give personal protection in the spawning season, and may not be willing to hand over any part of their fishing rent to the conservators for protection of upper waters, while the 10 per cent. rate on valuation may be so subdivided that its fractions cease to be worth collecting. In this last my protection may be adversely affected, but in some cases, at least, conservators are taking steps, by themselves, to get in all 10 per cent. rates whatsoever, and the legal expense to which conservators are being put may probably induce them to pay up promptly in future years. A contention which has been put before the Department lately perhaps requires notice, viz., that the subdivision of angling rights by purchase has created a new class of small fishery proprietors, who are entitled to more consideration in fishery legislation than their more wealthy predecessors. It has, however, most clearly been laid down that the Department are not entitled to consider the distribution of fish between different owners, but are confined in their legislative functions to making such regulations as they consider best for maintaining and improving the general stock of fish without regard to the particular persons who may be hurt. I merely mention that as it is in some way connected with purchase. Subdivision of ownership of small tributaries to which fish of commercial value or of any considerable sporting value resort only in the close season seems unlikely to materially affect previous conditions, except where such streams formed part of a large riparian estate comprising valuable fishing rights, and the owner of the whole employed halfpence to watch the spawning grounds, or where such streams traversed a shooting estate, and game-watchers had orders to discourage fish poaching. The purchasers have no more interest as owners than they had as tenants in preserving spawning fish, which do not come near them during the fishing season. The next thing is societies formed by tenant purchasers, and these, as a matter of fact, are exceedingly few. The only one of which I have any knowledge is a society recently formed called the Nenagh Anglers' Association, but I think you will get full information about that society, and all the details which have led up to it, from Mr. Gifford, the Crown Solicitor at Nenagh.

96. What river is that?—The Nenagh.

97. Which runs into Lough Derg?—Yes. It is a good big river running into Lough Derg. I have heard of a society in possession of information on the Anenke, a little river running into Upper Lough Erne. Then, of course, the Irish Salmon and Trout Association are doing something in the way of inducing tenant purchasers to preserve rivers, and to make angling available on some small payments to the association. I would rather refer you to the Association itself for information about that. I think Mr. Maguire would be delighted to tell all about it. I heard of a small society being projected in Droghda district, which, so far as I know, never came to anything.

98. What river do you refer to as running into Lough Erne?—The Anenke.

Mr. Guyon.

99. Are the societies you speak of societies for the benefit of old anglers?—No.—I am talking of societies of riparian owners.

100. Is that Nenagh one a society of riparian owners?—They are all as it, but of course it includes many other people. And there are associations I believe in connection with the Gweebarra and the Oweena in Donegal. I personally know nothing about them, but I understand that from the Congested Districts Board you can get the information.

Dr. Mahaffy.

There is an association on the far side of Glenbeigh?

Mr. Guyon.

101. That is the Gweebarra. Witness—There are as you know angling associations who rent odd bits from tenant purchasers, but purchase would scarcely affect the conditions of the property previously rented, as a rule, from the landlords.

The last heading I have come to is—Measures for preventing deterioration of fisheries arising out of subdivision of ownership. Two considerations are involved, first, of cases in which a fishery may deteriorate from the action or neglect of the new owners of that fishery so of the lands abutting thereon, and, secondly, of cases in which the action or neglect of the new riparian owners of any part of the same river may cause deterioration of fisheries in other parts of the same river or of the general stock of salmon in river and sea. The first case is of more public importance than it may seem at first sight, because most fisheries of the kind likely to fall into the hands of purchasing tenants are arguable for development or are at least worthy of preservation as then present level in the subjects of the community at large. The second case is of more obvious importance and is indeed vital to the existence of Irish salmon and trout fisheries. The Committee will presumably first arrive at an opinion as to whether these fisheries individually or generally are actually in danger of deterioration or arrest of development, as an effect of land purchase. Supposing the answer be in the affirmative the remedy must obviously be sought either by legislative direction of fisheries from assignment to land purchasers or by some provision for control (not already existing) by a Government or local authority, of fisheries sold with the abutting lands. The chief danger to fisheries will probably be held to be in the process of netting in fresh water. This was foreseen by the Department, at whose instance Mr. Wyndham, in 1903, introduced a Bill which provided inter alia—

(1.)—Notwithstanding anything in section sixty-five of the Fisheries (Ireland) Act, 1845 (which prohibits net fishing in certain cases) no person shall use any net in the said section mentioned in the freshwater portion of any river, save in places where a right of fishing with a like net, duly licensed, has been exercised during any three seasons within the decade preceding the first day of January, 1903.

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Mr. E. W. L. Hogg—continued.

[DAMES.]

Mr. Gwynn—continued.

- (2)—A court of summary jurisdiction shall have power to hear and determine any question arising under this section, and any person acting in contravention of this section shall be liable for each offence on conviction before such court to the penalties provided in the said section sixty-five.

This Bill being opposed on second reading by an English or Scotch member was withdrawn. The provisions if passed into law in 1903 would have disposed of most of the difficulties likely to arise, and would even now, coupled with the existing legislative powers of the Department, be a great safeguard against overfishing. Another method of dealing with the problem would be to make the transfer of fisheries to tenant purchasers under the Land Acts dependent on the assent of some Government Department who would have the option of acquiring such fisheries themselves on payment of the value, if any, assigned to them by the Estates Commissioners or Congested Districts Board. Under the Land Act of 1909 the Department is empowered to purchase fisheries, but it is not provided that fisheries must be offered to them before they are otherwise disposed of. Although, if the Department express a wish to purchase a fishery, the Estates Commissioners or Congested Districts Board would no doubt try to meet them in the matter, it is virtually only in the case of sales to the Commissioners or Congested Districts Board that the Department have any opportunity of intervention. In other cases the conditions of sale are arranged between landlord and tenant before they come within the purview of any public department, and at that stage it would be rather late to seek to upset any arrangement as to the transfer of fishing rights. In the absence of any necessary reference, a landlord would naturally be inclined to concede minor rights of fishing for the sake of getting peacefully through the sale negotiations, and the tenant is able to put pressure on him which would not be possible if the question of the transfer of fishery rights had to be decided by a department not otherwise concerned in the sale. Mr. Joyce's Bill of 1910 seems to have been intended to safeguard the rights of fishermen who might be disturbed by the action of land purchase, but as drafted it went very much beyond this. The provision of some safeguard for such persons seems to be equitable if the exercise of rights be subject to control as to extension by limiting the number of nets. The Department cannot limit the number of nets engaged in a lawful fishery except by law as to the distance between nets, which is not a completely effective way of dealing with the subject.

Salmon fisheries, whether in sea, estuary, or river, being necessarily interdependent, it is a question whether State interference can properly be localised, that is, whether State intervention if limited to some sort of control of sales of certain fisheries can beneficially affect the whole salmon supply. Theoretically the existing division of interests is uneconomic, because the owner or user of each section of the fishery naturally tries to exploit it to his own advantage, whereas if the whole salmon fishery, as far as it is proprietary, were the property of the State the theoretical objection would disappear. An apparently valid practical objection is that no public department is, or is likely to be, concerned for large commercial enterprises, and State management of proprietary fisheries would almost certainly result in some loss of public money. Such fisheries would have to be purchased at probably something more than their full value. If directly exploited by a public department the cost of management would almost certainly be excessive, whereas if let to private individuals it is doubtful whether a fair rent would be secured. On this point the Office of Public Works, owners of the Shannon Eel Fisheries, might be able to offer an opinion. It may be said that once the proprietary salmon fisheries become Government property the whole protective processes of the State become available. This is certainly not the case so far as the Coastguard are concerned, for that force is regarded by the Admiralty as a military force not available for fish-keeping purposes. The Royal Irish Constabulary already give most valuable assistance to fish protection, and it is not for me to express an opinion as to the possibility of including fishery protection among their

Mr. Gwynn—continued.

paramount duties. There will be no more poaching if it ever happens. Another argument may be that a public department would manage the fisheries more judiciously than private owners, and would, by considered restriction of netting, greatly increase the fish supply, and so command a higher income. It is, however, difficult to see why a public department should possess more foresight and acumen in this matter than certain companies and individuals at present exerting absolute control of commercial fisheries in their respective rivers, and possessed of wealth quite sufficient to obviate the necessity of immediate reproof. No doubt in such a case as the Shannon (as in the Try) a single owner might, by taking only as the neck of the bottle, immensely reduce the labour bill, and thereby those some hundreds of families on the river, but even in this case the reduction of stakes wets, etc., etc., would probably be followed by a corresponding increase in various engines fished under common law in the estuary, and it would not be easy for the fishery authority to restrict such common law operations in its own financial interests or those of any other public department which might be the fishery proprietors. A fundamental change of the common law of salmon fishery, such as would permit of the limitation of the number of nets fished in sea and tideways where no private rights exist, seems hardly worth contemplating; but it may be said with considerable reason that if one estuary owned all the proprietary salmon fisheries, which, so far as can be ascertained, show a certain independence of fortune in the same season, it would be possible, taking one fishery with another, to avoid financial disaster. That is all the notes that I have.

Mr. Gwynn.

102. Did I understand you to say just now that you thought that if the duty of protecting the fish was put on the Constabulary, that would stop poaching altogether?—Yes, absolutely.

103. Have you considered the case of illicit distillation—the effect of the police operations in trying to stop whisky distilling?—I know nothing whatever about that, but I have a good idea of the respect a poacher has for a policeman compared with what he has for his life.

104. Is there any drift netting at Queenstown for spring salmon, or is it only in the summer that drift netting is carried on?—I do not know of any lawfully carried on in spring except at Waterford and Lismore, but I have heard of drift netting in Cork Harbour.

That is lawful fishing or has been lawful fishing?

Mr. Justice Ross.

No, partly; in some places lawful, in others unlawful.

Mr. Gwynn.

105. But if you were catching spring fish with drift nets you would not be catching them all in an unlawful place?—There is no legal drift net fishing in Cork Harbour at all.

106. Looking at the exploiting of salmon fisheries generally, would you agree with me that the object should be to exploit them in such a way that the salmon should be caught, as far as possible, for commercial purposes, in the sea—that the netting should be, as far as possible, in the sea?—In some parts of rivers and lakes I cannot see that netting is altogether objectionable.

107. But your fish are more profitable when you kill them in the sea?—As far as salmon are concerned, they are generally in better condition when you get them in the sea than elsewhere.

108. What is the general catching power of a drift net?—I understood you to say that the income was put rather low?—It varies a great deal. I have not looked up the matter lately, but I have heard of their making £20 to £30 in a year, not too good a year.

109. The net or man?—The man. I have heard of them making a great deal more or a great deal less, but I should not like to express my estimate, on the moment, of their earnings.

110. Do you think that the licence ought to be changed?—Well, I do not know that I ought to say too much about it, because, perhaps, the question scarcely arose till I introduced it myself. There is a

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Mr. E. W. Ross—continued.

[Dram.

Mr. Gwyn—continued.

great deal of difference in the lengths of drift nets. There are some 300 yards long and others 1,000 yards long. It seems to me to be reasonable that a man should pay according to the length of the net he wants to shoot.

Mr. Colderwood.

111. Is there no restriction upon drift nets?—Only by by-law in certain places.

112. As to the length of them?—We have made by-laws restricting the length, in some places off the coast of Mayo, to 600 yards, and in Blackhead Bay to 400 yards.

Mr. Gwyn.

113. All that ground to the west of Killybegs is quite new?—Quite new west of Killybegs.

114. And off Sheshpavon it is a matter of 10 years? And even less.

115. Is there any reason why they should not develop that down the rest of the coast?—There is no reason. They were out several years and they could not get the fish.

116. Have they tried it pretty extensively?—I do not think they tried it very skillfully. It was a thing they were not used to, and knew nothing about, and they went into rocks and places where they were not at all likely to get salmon.

117. Did any of the Donegal men try down this coast?—I never heard of Donegal men coming down south, but it might happen without my knowing it.

118. Do you think that this drain on the total yield of the salmon is going to increase very materially?—It is—By drift nets?

119. Yes?—I do not see it showing any tendency to increase much in recent years.

120. Has it affected the catch of the drift nets?—The capture of big fisheries in the north told me that it affected them immensely, and produced figures which would indicate that it has.

121. Do you mean the Erne?—Not so much about the Erne, but I think it was more about the Moy and the Foyle and Bann.

Mr. Wrench.

122. What about the Moy?—They certainly have taken off a great deal of the nets themselves, and Lord Glenamara has taken off a great many nets as well.

Mr. Gwyn.

123. Where is that?—The Moy. Up to some years ago the whole fresh water was acted there from Ballyshannon down, and the Moy Company took off some of their nets, and Lord Glenamara either cancelled his own leases or bought up the existing ones.

124. What is the practice of drift netting has existed has it produced more revenue than the letting of fresh water angling would bring in?—I imagine it has produced a vastly greater revenue.

Mr. Wrench.

125. Do you know what is done with Lord Glenamara's fishery now?—He fishes it himself.

126. Is it not left?—I think not.

Mr. Justice Ross.

127. Can you give us any concrete instance of a fishery on a river being injured as a consequence of bad purchase?—No, but I know that if we had not stepped in is the fresh water of the Barrow and the Glen those fisheries would have been permanently injured, and danger seems to be impending on other rivers.

Dr. Mahaffy.

128. And the Barrow?—We only stopped it in certain parts.

Mr. Green.

In the whole of the Barrow.

Dr. Mahaffy.

129. Have you any special information about the increase of nets at the mouth of the Erne?—I think the table shows it fairly well, and I do not think there has been much increase.

Dr. Mahaffy—continued.

130. The reason I asked that is that the red fishing in the Erne has deteriorated enormously of late years. I suppose you are well aware of that?—They used always to send us the figures of the red fishing in the Erne annually.

131. But I can tell you from my own experience that it has become very much deteriorated. But then there is another cause that might contribute to it—the lowering of the level of Lough Erne by drainage works, and the drainage works might interfere with the habits of the salmon?—As far as the nets in the Erne, drift nets have been reduced by half, from 25 to 12, and drift nets have increased from 6 to 15.

132. Then, on the whole, there is a diminution?—Yes, and they cannot get in near the Erne with the drift nets.

133. Is it not the case that private fishing on the Erne has diminished greatly of late years—red fishing certainly has, and, I think, net fishing, too?—Well, they have given up net fishing with particularity.

Mr. Green.

134. With regard to Mr. Gwyn's question about the possibility of increasing the license on drift nets, do you know what do the drift net men pay for the use of drift nets in the Blackwater?—I think they paid £30 a year to the Duke.

135. And besides that?—£3 license duty.

136. That is £35 for each drift net?—Yes.

Mr. Gwyn.

137. That is for fishing in a confined water?—Yes, by a limited number of nets.

Chairman.

138. Did I understand you to say that the Department have the power of making a by-law prohibiting all netting in fresh waters?—Oh, yes, or anywhere else within three miles of the coast.

Mr. Justice Ross.

139. That is, of course, subject to appeal?—Yes.

Mr. Wrench.

140. But until that by-law is made the parties can do what they like?—Yes, subject to the close season.

Mr. Colderwood.

141. In the return which you put in with regard to the eagerness of Ireland you include all Ireland?—Yes, except coarse fish nets which do not pay license.

142. But all licensed nets?—Yes.

143. And that will include the netting which is apparently carried on by custom, but as to which I gather that the rights are doubtful in many cases?—Yes; but they have all to pay license whether they have the right to use the net or not. Any man who puts down 45 must be given a license by the Clerk of the Conservators.

144. Yes, there is no power to withhold the license?—No.

145. I think you said the drift nets were financed very largely by outside speculators?—Yes, the increase of drift nets along the coast of Mayo generally was entirely brought about, I think, by certain people who paid for the nets, and, I believe, paid for the licenses, and took the fish.

146. Did these outside men come from Scotland or England or any place else that you happen to know?—I think, from England.

147. I think you said that these drift nets had an undoubted injurious effect on other nets?—Well, that is putting it rather strongly. I infer that they must reduce the total amount of fish available to enter the rivers and I said, I think, that the owners of these large net fisheries complained that since drift netting had become serious their takes had been very greatly reduced.

148. In other words that they would simply detract from the amount of fish available?—Yes.

149. If the drift net men catch them the other men do not?—Is that your view?—Yes; that is so.

150. I should like to get a little information about big nets fished in Ireland. You think they are all private nets?—Yes.

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Mr. E. W. L. Holt—continued.

[Dissent.]

Mr. Calderwood—continued.

151. Are they distributed widely around the west coast of Ireland?—They are all marked on this map.

152. Are they single nets or entangled?—I think they have one chamber.

153. So that to judge from the map, the number of bag nets is rather limited as compared with what they are in Scotland?—Yes.

Mr. French.

154. Do you know whether there is much illegal destruction of fish by dynamite and other illegal means?—There is a great deal of poisoning of fish by sprigs, for instance in some of the southern rivers, and by lime in the Brown Fisk, a tributary of the Merne, and by dynamite sometimes in the Beaudon and sometimes in the Skibbereen river, but I do not think that it is very extensively used.

155. Have there been no prosecutions?—Yes, there are prosecutions in every year. Sprigs is the chief thing. It will be used in one river which is only 2 miles from the next, and in the next river they have not got the habit, and there is no poisoning.

Dr. Mahaffy.

156. Do they ever use dynamite?—Yes; sometimes.

Mr. Calderwood.

157. About bag nets, if I may continue, I do not know whether you care to express any opinion about bag nets as compared with other nets, or whether you

Mr. Calderwood—continued.

are disposed to express an opinion or will offer one as to their relative effect. In Scotland our general idea is to make the principal salmon netting in the sea, and to keep the rivers clear of nets as far as possible. The question that arose, I think from Mr. Gwynn, was the relative advantage of drift netting, and it occurred to me that you might give an opinion as to bag nets as compared with drift nets?—I should say that if bag nets occupy advantageous positions there is very little difference between them. What I said was, that as we have got drift nets there does not seem to be any room for more bag nets.

158. But if you reduced your drift nets there would be more room for bag nets?—There might be.

Mr. Gwynn.

159. From the point of view of employing labour and so on, would that be an improvement or a drawback?—Between the bag net and the drift net I think it would be much the same. The number of men who would be connected with a drift net would be the same as with a bag net. The drift net men are fishing on their own, and they are not paid servants.

Chairman.

Your evidence has been most instructive and most interesting, and perhaps the Committee may ask you to come at some future time and give us a little more information. You will have an opportunity of reading over what you have given us.

MR. C. H. CHICKERING EXAMINED.

Chairman.

160. You are Chief Examiner and Legal Adviser to the Estates Commissioners?—Yes.

161. And you have been acting in that capacity since the passing of the Irish Land Act of 1909?—Yes. Before that date I acted for a number of years as Examiner and Assistant Examiner of Titles to the Irish Land Commission. Before appointment to the Irish Land Commission I was a practising barrister at the Irish Bar. I have been asked by the Estates Commissioners to state my views on the following matters for the benefit of the Committee who are, I understand, desirous of obtaining information as to—

(1) The manner in which sporting rights, and particularly fishing rights, have, as a general rule, been dealt with on the sale of properties under the various Irish Land Purchase Acts, and—(2) The information available as to how the sporting rights in any particular case were dealt with on the sale of the lands under these Acts. Sales under the Land Purchase Acts may for present purposes be divided into three classes:—(a) Sales of holdings through the Land Commission as distinguished from the Estates Commissioners; (b) Sales of Estates through the Estates Commissioners under the Irish Land Act, 1903-9; (c) Sales of Estates to the Congested Districts Board. As to (a), Sales of holdings through the Land Commission as distinguished from the Estates Commissioners—in these cases, as a general rule, the holdings were vested in the tenant purchasers in fee simple, without any reservation to the vendor of any sporting or other rights, in other words, the tenant-purchasers got the sporting rights. The principal exception to this general rule was where the vendor held under a superior landlord, that is, held in fee farm or under a long lease, and the sporting rights were the property of such superior landlord. Prior to the passing of the Land Law (Ireland) Act, 1886, the Irish Land Commission had no power to redeem the sporting rights of such superior landlords, which were accordingly reserved to them when the holdings were being vested in the purchasing tenants. The Act of 1896 (section 31), however, enabled the Land Commission to redeem superior interests, which were defined to include all overpights and incumbrances contained in any fee-farm grant or lease. The effect of this section was to render the redemption of sporting

Chairman—continued.

rights, the property of a superior landlord, practically compulsory. In *Owens Estate* (No. 3), 1909, I.L.R. 137, in the Court of Appeal, Lord Ashburnham stated:—"I consider that the section had strongly and directly in view the vesting of the fee of the holding he purchased in the tenant. Thus both the Land Commission and the Land Judge must steadily regard, and they are clearly bound, when possible, to appropriate and redeem all superior interests necessary to effectuate that object." Accordingly, as a general rule, after the passing of this Act, all such superior interests were so redeemed and the holdings were vested in the tenants without any reservation of the sporting rights.

As to (b), Sales of Estates through the Estates Commissioners under the Acts 1903-9—these cases stand in a different position from the other land purchase sales as regards the destination of the sporting rights. Under the Act of 1903 (section 13) it was provided that on the sale of an estate under the Act the sporting rights, which term included any rights of fishing and taking fish, might by agreement between the vendor and the purchasing tenants be either conveyed to the purchasers or be expressly reserved to the vendor, and in the absence of such agreement these rights were to be vested in the Land Commission. Section 95, however, of the same Act provided that "nothing in this Act shall affect any sporting rights which were not in the possession at enjoyment of the vendor at the time of sale." The net result of these sections may be stated as follows:—In the case of direct sales of estates by landlords to their tenants under the Acts of 1903-9, which class of sales constitutes about seven-eighths of the estates pending before the Estates Commissioners, the terms were arranged by the vendors direct with their tenants who signed and lodged with the Estates Commissioners purchase agreements embodying such terms, and where the vendor was in possession or enjoyment of the sporting rights on his estate the terms of sale included the disposal of such sporting rights, and the purchase agreements accordingly provided for their being vested in the purchasing tenants or in the vendor or in the Land Commission in accordance with the terms of Section 13 (1). Where, however, the vendor had leased or otherwise conveyed the sporting

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MR. C. H. CROOKSHANK—continued.

[DUBROV.]

Chairman—continued.

rights, or such rights were reserved to or were the property of a superior landlord, then, as a general rule, these rights (which in some cases were exclusive rights and in some cases consented) did not become the subject of agreement between the vendor and his tenants (save as regards any concurrent rights of the vendor), and in the purchase agreements entered into by the vendor and the purchasing tenants these rights were reserved to the superior landlords and the holdings are accordingly vested by the Land Commission in the purchasing tenants subject to the reservation of the sporting rights to these superior landlords. In the case of estates purchased by the Estates Commissioners under sections 4, 7, and 8 of the Act of 1903, and under the Act of 1906, the provisions of sections 13 (1) and 99 of the Act of 1903 similarly apply. It may, however, be pointed out that as in this case of sales the estate is being sold to the Commissioners, they are a party to the agreement entered into with the vendor, and therefore to the disposal of the sporting rights the property of the vendor, whereas in direct sales between the vendor and the tenants under the Land Purchase Acts the Commissioners are not parties to the purchase agreements.

As to (c), Estates purchased by the Congested Districts Board: the negotiations for the purchase of these estates are conducted by the Board with the owner, and when the price has been arranged the estate is vested in the Board by the Estates Commissioners, or, where the estate is the subject of proceedings in the Land Judge's Court, by the Land Judge. If the sporting rights are the property of a superior landlord they are, as a general rule, reserved to him when the property is being vested in the Board, but if they become the property of the Board, and the Committee desire information as regards the manner in which the Board have dealt with the sporting rights, the Committee will, I presume, obtain such information from that Department.

Information as to how the sporting rights in connection with any particular lands have been dealt with on the sale thereof under the Land Purchase Acts may be obtained in the Land Commission or the Land Registry. Lands sold under the Land Purchase Acts and vested in the purchasing tenants subject to Land Purchase Annuities are, pursuant to the Local Registration of Title (Ireland) Act, 1902, compulsorily registered in the central and local offices of the Land Registry. On the registers of that Department the particulars of each holding so vested are recorded, and on the registry maps the boundaries of the holdings are delineated. It is possible by consulting these Land Registry maps and registers to ascertain who is the registered owner of the holding, the amount of the Land Purchase Annuity, the acreage of the lands, and where the sporting rights have been specially dealt with (such as reserved to a third party) a note to that effect appears on the register. Where there is no such note it may be presumed that the registered owner is, as such, entitled to the sporting rights on the lands.

In the case of pending sales under the Purchase Acts in which purchase agreements have been lodged but the purchase money has not yet been advanced or the holdings vested in the tenants, the purchase agreements in the Land Commission give particulars of the areas of the holdings and the names of the tenants, and specify whether the sporting rights are to be reserved to the vendor or otherwise dealt with.

To illustrate the information which can be obtained from these two Departments, the accompanying maps (reproduced on a scale of one inch to the mile from the Land Registry maps which are on the six-inch scale) have been prepared, and show the progress of land purchase in the water-sheds of the Bandur River, Co. Cork, and the Ovens River, Co. Donegal. These maps illustrate by distinguishing colours:—(a) (red) direct sales from landlord to tenants where the holdings have been vested in the tenants; (b) (blue) sales of estates to the Estates Commissioners where the lands have been vested in the Land Commission for resale to the tenants; (c) (purple) sales of estates to the Congested Districts Board where the lands have been vested in the Board for resale to the tenants; (d) (green) pending sales, the subject of proceedings under the Land Purchase Acts but not yet vested in the tenants or the Land Commission or the Congested Districts Board, as the case may be.

Chairman—continued.

As regards the progress of Land Purchase in Ireland generally, it may be stated that up to the 31st of March, 1910, 2,836,576 acres, representing a purchase money of £30,812,774, had been vested in the purchasing tenants at the Estates Commissioners or the Congested Districts Board for resale to tenants (including 2,308,791 acres, representing a purchase money of £24,778,000, under the Acts 1870-80, and that 4,803,841 acres, representing an estimated purchase money of £12,383,831, were on that date pending for sale under the Acts of 1903-9. There is no classification showing how the sporting rights have been dealt with on the lands sold otherwise than through the Estates Commissioners. As regards lands sold through the Estates Commissioners under the Acts of 1903-9, the following extract from their annual report for the year ending 31st March, 1910, gives particulars as regards the sporting rights on estates vested by them on that date:—"In the 3,511 estates for the purchase of which agreements were made during the period from 1st November, 1903, to the 31st March, 1910, the sporting rights were dealt with as follows: In 72 estates exclusive sporting rights were reserved to superior landlords. In 3,438 estates sporting rights within the definition of section 13, s. 2, of the Irish Land Act, 1903, were vested as follows: In 2,868 estates in the purchasers, in 573, in the vendors, in 219 in the purchasers concurrently with the superior landlords; in 6, partly in the purchasers and partly in the superior landlords; in 8, partly in the purchasers and partly in the Land Commission; in 50, in the vendors concurrently with the superior landlords; in 30, in the Land Commission concurrently with the superior landlords; in 65, partly in the purchasers and partly in the vendors, as 8, partly in the vendor and partly in the Land Commission; and in 123, in the Land Commission. It will be observed that the number of estates in which the exclusive sporting rights have been vested in the Land Commission is small, and it has not been found that the sporting rights on these estates are of value. In 5 cases, however, the sporting rights have been leased by the Commissioners." A list has already been furnished to your Committee by the Estates Commissioners giving particulars of the estates in which the sporting rights have been vested in the Irish Land Commission under the Act of 1903. In the cases in which the sporting rights have been leased by the Commissioners, it is believed that there were no fishing rights of any appreciable value.

Reverting to the specimen maps which have been prepared to indicate the information which can be obtained in the Land Commission and the Land Registry, and in particular to the map relating to the Bandur River, I think it right to draw the attention of the Committee to the following matter. Take the estate, No. 207, on this map. This estate was sold by the landlord direct to the tenants under the Act of 1903, and the holdings, together with the sporting rights, have been vested in the purchasing tenants. It will be observed from the map that this estate abuts on the tidal portion of the Bandur River, and in such a case the presumption of law is that the bed and soil of the river and the fishing rights are the property of the Crown or some assignee of the Crown but not of the riparian owner. In such a case it may be fairly assumed that the holdings vested in the tenants do not include any portion of the bed of the river or any fishing rights thereon. On the other hand, if we take an estate abutting on the non-tidal portion of the river the presumption is that the owner of the estate was entitled to half of the bed and soil of the river, in which case the tenants' holdings would apparently include half the bed and soil of the river, and if on the vesting of the holdings in the tenants under the Land Purchase Acts the sporting rights were vested in the tenants, they apparently are entitled to the fishing rights on half of the river included in their holdings. These presumptions, however, are capable of being rebutted, and it may be the fact that neither the vendor nor the tenant was entitled to the bed and soil of the river, as, for example, in the case of the Bann River where, as is well known, the entire bed and soil of the river and the fishing from the sea to Lough Neagh is owned by an outside owner, and is not the property of the riparian owners at all. I have referred to this matter in order to prevent the Committee from drawing what might prove to be an unwarranted conclusion from the specimen maps which have been prepared.

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Mr. C. H. CROOKSHANK—continued.

[DUBLIN.]

Mr. Guyan.

162. Once you know what title the landowner had, in what other respect would such a map as that be misleading?—I do not say misleading, but suppose that was a map of the Bann river and not of the Bandon river, it would be absolutely misleading. In the case of the Bann river the rights are the property of a third party.

163. But you inquire in all cases?—We investigate the owner's title to the lands he is selling and the maps show these lands.

Chairman.

164. These maps indicate properties that have passed?—The properties that have passed.

165. The map gives you some idea of the problem upon that particular river?—Yes, quite so.

166. That does not tell you more than that property has passed?—Yes, quite so, but possibly a local man in five minutes could tell you that the whole of the fishery belongs to a person other than the stipulated owner if such was the case.

Mr. Justice Ross.

167. But it is a map that shows how far the river is tidal?—Yes.

Mr. Green.

The limit of the tidal portion of this river is fixed by my Department, and is absolutely the legal limit.

Mr. Justice Ross.

That is what I want to know. There is a record.

Mr. Green.

168. Yes. In those maps that Mr. Holt brought in we show the tidal floor.

Witness.—The Land Registry maps will, I think, indicate that in the case of large rivers and lakes, the holdings of the tenant purchasers do not include the bed and soil of the river or lake, while in the case of streams and small lakes the boundaries of the holdings will be marked out to the middle of the stream or small lake, but those maps are not conclusive and do not rebut the presumption of law to which I have referred.

Mr. Guyan.

169. Is there any act of legal distinction between these cases of a large river and a small river—supposing, for instance, a man buys a holding abutting on the Barrow, and let us assume that there is no several fishery there?—The presumption of law would be that he would own up to the middle of the river.

170. That is to say, no matter how wide the river is?—Yes, no matter how wide the river is. The presumption would be that the contract of tenancy, that is the lease or grant under which he held, although it was silent as to the river, would include the bed and soil of the river.

Mr. Justice Ross.

171. The same presumption would have applied before the Land Purchase Acts at all, in the case of a lease?—No doubt it would.

Mr. Guyan.

172. Why do the Land Registry maps make this distinction between a large river and a small river that you speak of in your evidence?—That is my experience of what I have found. It is really the surveyor's duty more than anybody else's, and if there was a small stream flowing between two holdings the surveyor making a map of the holdings—and undoubtedly he would be right in doing so—should include the half of the stream, and the half of a broad river like the Shannon in the same way, the wide one as well as the small one.

Mr. Drumm.

173. Mr. Drumm—May I say I was Chief Clerk in the Land Registry, and perhaps I may be able to make this point clear. The Land Registry maps are copied from the estate maps lodged with the Land Commission by the vendors. The vendor should know in the case of

Mr. Drumm.—continued.

a wide river whether or not the boundary of a holding terminates at the edge of the water, and consequently in mapping the holding the vendor's surveyor marks on the map the boundary of the holding accordingly. When the Land Registry receive the maps from the Land Commission they faithfully copy them on the Registry maps.

Mr. Guyan.

How would the vendor know?

Mr. Drumm.

He would know whether there was a several fishery or whether it was tidal.

Mr. Guyan.

174. But I am assuming a wide river like the Barrow?—Fitness—I think what Mr. Drumm wanted to point out was that the Land Registry map copied whatever was in the Land Commission map.

Mr. Guyan.

That only puts it back another stage. Why is this difference made in maps?

Chairman.

Because there is a difference in fact. It may be that the large river may be a several fishery, and the vendor furnishes the map as a matter of fact. That is the position.

Mr. Guyan.

Then it would seem to assume this, that a several fishery was claimed in all the large rivers, which I do not understand to be the case.

Chairman.

Mr. Crookshank's observation does not apply to all rivers, but as a rule.

Mr. Justice Ross.

175. Mr. Drumm shows you the source from which the information came, namely, the person who would have the best opportunity of knowing, that is, the vendor. Witness.—Of course, the vendor was thinking of land purchase, he was not thinking of fishery, when he was preparing his map, and he would not enter into any unnecessary investigation as to who was entitled to the bed and soil of a big river. If he had the slightest doubt about it he would rather keep away from that.

Chairman.

176. But the fact that the map was only a map to the bank of the river would not interfere with the purchasing tenant asserting a right if he had a right to the half of the bed of the river?—Quite so. That is my opinion.

177. The map would not preclude him?—It would not. The map is not conclusive on that point.

Mr. Green.

At all events, whatever his title might have been, the purchasing tenant only purchased what was sold coloured on the vendor's map.

Mr. Justice Ross.

No, that is not at all certain. He might go beyond the map. The map is not conclusive against him.

The Committee adjourned for luncheon, returning at 2.15.

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Mr. CHARLES BOLAND, examined.

[DUBLIN.]

Chairman.

178. What is your position, Mr. Boland?—Chief Valuer to the Valuation Office.

179. Your evidence is with regard to the maps?—To the maps.

180. You say that the portions coloured yellow on the one-inch maps show unold land adjoining the various rivers under investigation?—Yes.

181. And the violet line in each case indicates the estate boundary?—Yes.

182. And each schedule under the heading of Unold Lands gives the number of tenants on each property whose holdings adjoin the river?—Yes.

183. Where are the schedules?—Attached to the map.

184. You say where the owner of the lands has no tenant an asterisk is placed opposite his name?—Yes, where the owner is in occupation.

185. In the schedules referring to the Co. Donegal rivers a note is made where a fishery is valued for rating purposes in the valuation lists, stating the situation, rated occupier, and net annual value?—Yes.

186. That is three rivers?—Yes.

187. You say all the fishery valuations in the two Co. Cork rivers are given in a separate schedule in which the reference numbers from 45 to the end in

Chairman—continued.

the case of the Lee, and from 243 to the end in that of the Brandon river indicate fisheries adjoining unold lands?—Yes. I put these in a separate schedule because they were so numerous.

Mr. Justice Ross.

188. You have no way of indicating lands that are contracted to be sold?—They are marked green. Those have been marked by the Land Registry—where originating applications have been lodged.

Chairman.

Now, on behalf of the Congested Districts Board, we asked Mr. Dunn if he would come here and give evidence, but he happened to be down in the Co. Galway at the time the application was made, and he had to go back there on important duty. He had not time to prepare a statement of evidence, and he asked that his examination might be deferred till a later period. But with regard to one river that we are inquiring into, that is the Ovenson, the Board bought a property adjoining that river, and it was thought desirable that as the Solicitor of the Board had the papers he should just come over and say a word or two on the subject, and I will ask him to do so now.

Mr. JOHN O'CONNOR, examined.

Chairman.

189. Mr. O'Connor, you are Solicitor to the Congested Districts Board?—I am Solicitor to the Board.

190. And you are acquainted with the facts connected with the purchase of the estate which adjoins the Ovenson river in the Co. Donegal?—Yes.

191. The Tredegar Estate?—Yes. The river adjoins it for a very long distance, on one side only, for perhaps a mile or two. The Board when they purchased that estate paid a sum of about £400 for the fishery rights, that is in consideration of the value of the fishery on the Ovenson river.

Mr. Justice Ross.

192. It was a several fishery?—No, my lord, it was an appurtenant to the estate, a several fishery in the sense that it was an appurtenant.

193. You say you gave £400?—£350. That is the amount added to the purchase price for the value of the fishery. It used to set for £100 a year, I believe.

Chairman.

194. That was £300 gross or £100 net?—£100 gross.

195. At any rate, the valuation for the purpose of sale was £400?—Yes.

196. Now, when the estate passed to the tenants, what arrangement was made with regard to that river?—The fishery rights were reserved in the sale agreements. The object of the Board was to have these rights vested in such a way that the points should cease for the benefit of the riparian proprietors, not in proportion to the valuation of their holdings, but to the extent of their holdings on the river, not equally amongst them all.

Mr. Justice Ross.

197. So that the small tenant who would only have 100 yards abutting on the river would receive just as much as the man who had 300 yards?—Yes, my lord, and for this reason, that the man with 100 yards could do as much fishing as the man with much more.

198. Then it was on the principle of the amount of ownership right that he could exercise over the river—that was the principle on which they distributed the compensation?—Yes, on the right of access.

Chairman.

199. Now, what happened?—I believe things did not go quite smoothly on regards the organization of the tenants?—No; there were some difficulties with some of them, but I think they are being got over now. But, in the meantime, this is the arrangement which is on foot. Father MacFadden, who is the Parish Priest, paid the Board for these fishery rights, and he is farming them out as best he can. I believe he raised the money by a loan. The idea is that he is, out of the profits of the fishery, to pay, first of all, the expenses, secondly, to repay the interest of the loan; thirdly, to repay the loan itself, and afterwards to apply the proceeds for the benefit of the riparian owners.

Mr. Justice Ross.

200. To what purpose is the loan applied?—The payment of the Board for the purchased rights.

Chairman.

The Board reserved the fishery rights of that river. They valued them at £400. Then they proposed that they should be vested in the tenants subject to the redemption of that £400?—

Mr. O'Connell.

201. Along what length of the river does that go, may I ask?—Whereas—The Tredegar Estate?—about three and a half miles on the south bank.

Mr. O'Connell.

202. There are two rivers near the estate. The Ovenson is not supposed to be of much value as a fishing river; and here is the Kilmara, another?—Yes, that is right.

Mr. O'Connell.

203. Then there was no question of netting rights at the mouth, or anything like that?—No.

204. Any question of netting rights at all?—No.

Mr. Justice Ross.

205. Father MacFadden had the whole thing?—Yes. He collects the money from the fishery at any rate, and he pays interest on the loan and distributes the balance amongst those entitled to it?—Yes, and pays off part of the loan. I do not think the tenants

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Mr. JAMES O'CONNOR—continued.

[DUBLIN.]

Mr. Justice Ross—continued.

have yet come in for any profits out of it, because the arrangement is only recently entered into, and he could not possibly have made enough profit out of it for that. The object of the Board in reference to this fishery was this. They wished to vest the rights of the profit *propter*, I may call it, siting from the fishery, to make it an appurtenance inseparable from and belonging to each particular holding, so that a man could not sell and remove the fishery apart from the holding, which he might be disposed to do, and which he could do, of course, if it was a several fishery.

Chairman.

207. That was, in fact, to oblige co-operation?—Yes, to oblige co-operation and to secure all the benefit of the fishery. That arrangement is only in a tentative condition at present. The deeds have not been finally settled yet, and in the meantime Father MacFadden is at liberty to use the name of the Board in legally procuring trespassers, and so on.

208. In fact, he is placed in full authority by the Board acting in trust for the tenants?—Yes, quite so.

The Committee adjourned.

SECOND PUBLIC SITTING.

SATURDAY, 1st APRIL, 1911,

AT 11 A.M.,

At 4, Upper Merrion Street, Dublin.

PRESENT:

THE RIGHT HON. SIR DAVID HARREL, K.C.B., K.C.V.D., P.C. (CHAIRMAN.)

The Right Hon. Mr. JUSTICE ROSS, P.C.

The Right Hon. FREDERICK S. WATSON, P.C.

Mr. STEPHEN L. GYNN, M.P.

Mr. W. S. GREEN, C.B., M.A.

Mr. R. H. LEE, Secretary.

The Secretary read the minutes of the previous meeting, which were signed by the Chairman.

Mr. GEORGE HEWSON, examined.

Chairman.

209. You reside, I believe, in the Co. Leitrim?—Yes, Devenish.

210. You are a Justice of Peace of the County?—Yes.

211. You are acquainted with the circumstances of the river Leman?—I am.

212. In what capacity do you act there?—I am agent to Sir Harry Stewart, who is my brother-in-law.

213. Now, do you say the tidal portion of these waters extends from the weir above the bridge at Ramelet to below Aughush?—Yes.

214. Here is it fished?—There are a couple of boats on the weir with two King's Gulls, and it is also fished with nets principally during the months of April, May, June and July. The open season for boats and nets is from the 4th of February to the 15th of August.

215. What is the length of the fishable portion of the river Leman?—Between—Do you mean tidal or non-tidal?

216. The tidal and non-tidal altogether?—I could let you know that from the scale of the map in a few minutes.

217. Just give it roughly?—I should think that there is from two to three miles of sea or tidal fishing, and just above the weir there is what is known as the Pool, which is about a quarter of a mile in length, running from the Mill Falls to the weir. And after that there is Lough Fern, which is five miles as the river runs. And then there is the river Kilmacrennan running up to Gartan, which is, I believe, another nine or ten miles as the river runs.

218. Can you give us where the mouth of the river is defined?—Yes, that is on the map.

219. Will you describe where it is without using the map, just to have it on the note?—It is from a point in Ballyhenry to a point of Aughish Island. There is a certificate for fixed nets which will give you all that.

Chairman—continued.

220. Now, where is the rod fishing principally carried on?—The rod fishing is principally carried on in the Pool, which is above the Weir and below the Mill Falls at Ramelet. It is about a quarter of a mile long and is a very famous fishing pool, and that is the principal part of the rod fishery all the season to the end of May. About March, perhaps, you will get a few fish between that and Lough Fern, and then in May, June and July Lough Fern fishing is fairly good, and I believe the upper river is fairly good, though I have never fished it. The fishing of Kilmacrennan river is best late. The rod fishing ends on the 1st of November.

221. You say that the fish coming up from the sea stop in the pool till the middle of April?—Most of them do.

222. Both sides of the river are in Sir Harry Stewart's hands at this point?—At this point, yes.

223. Does he intend to sell?—No.

224. Now, above the Mill Falls, you say again that the property on both sides of the river for about two miles belongs to Sir Harry?—Yes.

225. How is the land held?—The land is held by judicial tenants, or was held by judicial tenants and lease holders, and agreements for purchase have been entered into with them, about three years ago.

226. Have the fishing rights been reserved?—The fishing rights are reserved to Sir Harry.

227. There is a several fishery claimed in the upper waters of this estate?—Yes.

228. Is public fishing prevented?—No.

229. That is rod fishing?—Rod fishing.

230. And rod fishing only?—Rod fishing only.

231. Can anyone fish on that stretch of river?—Yes.

232. Between Lough Fern and Clarak you say also there are a few salmon caught on the 1st?—Yes.

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MR. GEORGE HEWSON—continued.

[DUBLIN.]

Chairman—continued.

233. But most of the fish push on to Lough Fern?—Yes. There are a few parts between Clonsilla and Lough Fern where fish are caught.

234. Where does the river Lennan rise?—The Lennan proper rises in Garton Lough. There are other streams that go into Garton Lough and feed it, such as the Ballaha river and another; the Black Sheela, I think they call it. These are the places where the fish spawn, up between Lough Fern and Garton Lough, and also in this Ballaha water and the upper rivers.

235. Are the fish disturbed in the spawning?—Oh, one has to watch them.

236. But the watching is successful?—I think very fairly so. Of course, I should think there is occasional poaching with a "candle" and a gaff, but I think that, on the whole, it is as well preserved as most places. You see there is not a very large stretch of spawning grounds, so that it is only to look after them.

237. Does Sir Harry Stewart keep this river in his own hands or is it rented?—Well, he fishes the tidal water himself with nets. Some years he fishes the Pool himself and other years he lets it. He has, at a matter of fact, let it for the last two years.

238. Has he any other portion of the river rented?—No.

239. Except the Pool?—Except the Pool.

240. No other portion?—No. We do all the box fishing and net fishing ourselves.

241. Have you any objection to say what this river produces on the average?—No, I have not. If you like to know the amount of fish killed in 1909-10, it represented a weight of 28,657 lbs.

242. What number of fish would that weight represent?—We killed exactly 300 on the rod.

Mr. Guyan.

243. That is only in the Pool?—Only in the Pool.

244. That says nothing about the upper river?—Nothing about the upper river. I can give you no statistics about that. We killed 690 in the boxes and 651 in the nets.

Chairman.

245. What is the total?—1,311.

246. Then the fish were considerably over the average of 10 lbs. a-piscot?—Yes. That was for 1909-10. They averaged over 10 lbs. a fish—10 lbs. 8 ounces. The fish are running rather heavier than year than last, and I think the average is over a pound better this year than last.

247. Where are those fish sent to?—They are sent to Barrow, of Ballingate, as a rule.

248. Is it an early river?—It is an early river. There are a few fish running in December, and they run all January; that is, into the Pool; and they do not leave the Pool as a rule. Just as regards that I should like to say, too, that for a couple of years we marked a few holes, but we never heard any more about them, and accordingly we stopped doing so.

249. When does the fishing terminate?—The net fishing ends on the 15th of August, the rod fishing on the 1st of November.

250. The bulk of the fish are caught early in the season?—Yes, the bulk of the spring fish is taken from the middle of June to the end of the season. The best of the rod-fishing time would be the months of February, March and April, and May was pretty good last year. In June and July we practically catch no fish in that lower pool, on the rod.

251. Now, you spoke of fishing rights being reserved on property said?—I said that with respect to Sir Harry Stewart's property the right of fishing was reserved, and we claim a several fishery.

252. Is your claim to a several fishery likely to be disputed?—Well, the only way that it would be likely to be disputed would be that if others put on nets we should certainly prosecute them. But we have always allowed the public to fish, with a rod, and we do not propose to make any change.

253. As regards this river, in the event of any properties being sold will you intervene to say that the fishing rights are the rights of a several fishery belonging to Sir Harry Stewart?—That is asking me to commit myself to a large order which I should not care to say on the spot at the moment.

Chairman—continued.

254. But for the moment, at any rate, you are not apprehensive as regards injury to this fishery by the transfer of property?—No, not at all as regards this fishery.

255. It has been a very steady river as regards produce?—Yes, very fairly so.

256. Is the year you gave in, 1909-10, beyond the average year?—The year 1909-10 was a good year.

257. A good year?—A distinctly good year.

258. And it would be a little above the average?—Yes, above the average, that is for 1909-10. There was a curious fact about it that the spring fishing was excellent and we had a record year, and the grilse fishing was equally good. Just to give you a comparison—In June, 1910, we killed 520 fish, whereas in June, 1910, we only killed 286. In July, 1909, we killed 553 fish, whereas in July, 1910, we killed 292, and that I attribute to the very great increase in the netting of the grilse.

259. Where was that netting carried on?—That would be carried on on the coast outside. I should like, if I might, at this moment, if it was convenient, just to say how that netting has increased.

260. What do you mean, Mr. Hewson, when you say outside?—In the open sea.

261. Beyond the three miles limit?—Oh, right away outside Lough Swilly, and west and south of it up at Tory Island.

262. Just tell us how that affects the inland fishery?—In 1900 there were 26 drift net licences issued by the Letterkenney Commissioners. In 1909 there were 214 drift net licences issued. In 1907, when the thing was beginning to become serious, we chartered a steamer, having the assent of the Commissioners, to look after the drift net fishing round the coast, because we were informed they were fishing Sundays and Mondays and every day, and there was no working of them at all. The cost of the steamer was guaranteed by persons interested.

263. You could not reduce the number of the nets, but what you wanted to see to was the regularity of the fishing?—Well, it did reduce the number of the nets very much. I suppose it was a question of taking out licences. There were 227 in 1907, and they were reduced to 118. They went up to 194 in 1909, and in 1910 they have gone up again to 214.

The point I want to develop is, that if anything is to be done to appreciably benefit the fishery, as I think it is very likely you will consider something should be done, that something should be done all round. I mean if upper water rights are going to be in any way curtailed or interfered with, I think lower water and outside rights should also be looked after.

264. In this you refer to fishing outside the three miles limit?—Outside the three miles limit, but if you want to keep your fisheries there is no use in killing all your fish out at sea.

265. What are the legal periods for fishing outside?—Well, I assume that they can fish with nets any time they like between the 4th of February and the 14th of August, but I suppose that the weather is practically only variable in June and July. I am merely assuming that.

Mr. Guyan.

266. Any time outside those dates?—As a matter of practice, I believe that drift net fishing is carried on in the months of June and July.

267. I know that, but I understood you to say that they could fish between the 15th of August and the 4th of February. You mean that that was the time that they could not fish?—That they could not fish. From the 4th of February to the 15th of August I take it that they could fish.

Chairman.

268. You spoke of their fishing on Sunday and every day. Is there any restriction as to that?—There certainly is supposed to be a weekly close time, which I take it should be observed at sea as in any other place.

269. What is that?—From Saturday morning to Monday morning.

270. Do you think that applies to outside sea fishing?—For salmon I assume it does.

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Mr. GEORGE HAWSON—continued.

[DEBATE.]

Chairman—continued.

271. Did the presence of your steamer lead to that law being compelled with?—We certainly saw that the boats fishing had licences, and also that they had their nets on board at the proper times. The Conservators paid £300 for the steamer in 1907. In 1908 we paid £182, and in 1909 £210. In 1910 we altered our plan and put on a motor boat.

Mr. Justice Ross.

272. I suppose we may take it that you strongly object to drift netting?—Not altogether. I do not object to the drift netting and drift netting, but I think that there should be some regulation made as to the length of nets and as to where these drift nets should fish; and I also say that drift netting should be looked after by some public body in order to see that it is carried on lawfully. Now that by a public body I mean a Government department. It should be one of the regular duties of the Coastguard, who might be reinforced at certain points and be provided with launches.

Chairman.

273. In fact, that a public body should do what your steamer did?—I think so.

Mr. GUYAN.

274. Is not your steamer run by a public body?—It is run by the Conservators.

275. Are not they a public body?—Yes; what I mean is, that if we had not the money we could not do it.

276. I suppose it is the number of drift net licences that enables you to put on the steamer?—To a large extent yes, but we did it before we got the drift net licence money.

277. Where was the drift net licence money going to then?—You see, they were not being paid for till we put on the steamer, and what we maintain is that the fact of our putting on the steamer made a great many boats take out licences that were not taking them out before.

278. I remember hearing that a great many of the nets were run by a London firm who paid the licence?—I should think it was very likely.

Mr. Justice Ross.

279. What did you mean by suggesting that drift netting should be restricted to certain places?—Well, I think they ought not to come within a certain limit; and I think that the length of the nets ought also to be restricted. As the law stands at present, I believe if you could carry 50 miles of a net there is nothing to prevent you setting it.

Mr. Green.

280. On a £3 licence?—I do not see what it is to prevent it.

Mr. Justice Ross.

281. What is the usual length in that part of the country?—I think they go to 500 and 600 yards, and more, I believe.

Mr. GUYAN.

282. We have heard of 1,200 yards?—I have heard that they go to a mile, but I cannot say so from my own experience.

283. I should say 1,200 was the usual thing?—I should think that is more like it, but I do not want to exaggerate. I am told that several nets are often fastened together to make one net.

Chairman.

284. Who is to place a limit on the length of the nets?—I should think if there is to be legislation on the whole subject of fisheries, that should be done by legislation.

285. Is there any way at present by which the nets can be limited in length?—I assume that if you asked for an inquiry, and asked for a by-law, you might or might not get it, and if you got that by-law it might or might not be upset by the Privy Council. That appears to be the only way you can do it now, and Mr. Green, I am sure, knows more about that than I do.

Mr. WRENCH.

286. You said that lately you used a motor boat?—Yes; we have put a motor boat on it.

Mr. WRENCH—continued.

287. Is that more satisfactory than the steamer?—Well, it is cheaper. It came to £35 less last year.

288. And did as much work?—I think the work is rather better, because we had to charter this steamer from the east coast of England, and the thing was not as satisfactory as it might have been, as the crew of the steamer was not used to this class of job.

Mr. GUYAN.

289. Where do you run your motor boat to and from?—From Glen Head to Bloody Foreland.

290. Do you not control the fishing west of Bloody Foreland?—Yes.

Mr. Green.

291. Then the steamer when she goes to Bloody Foreland is practically in Tory Sound?—Well, I should like to see the map first. You see that the Letterkenny District runs, I believe, from Roan Point to Malin Head. Then those nets out at sea have practically knocked off all the small nets inside of Lough Swilly that used to be run by the Irish fishermen there. The Irish fishermen used all to fish inside Lough Swilly, and now they practically find that there is no use in shooting nets there.

Mr. GUYAN.

292. Did they fish drift nets?—They fish small drift nets.

Chairman.

293. Do those observations of yours as to drift nets out at sea apply to any other river beyond the Leman?—I think they apply to the whole of the west coast of Ireland as far as the principle is concerned.

294. I mean the other river that you refer to in your notes?—Yes.

295. Have you anything to say as to fishing in the estuary of the Leman, that is, in the tidal water?—Well, practically there is very little fishing in the tidal water now, because the people who used to fish there, that is the Irish fishermen, have left off taking out licences.

Mr. GUYAN.

296. That is to say, there is very little fishing other than what you do yourselves?—Other than what we do ourselves and what is done out at sea.

297. What you do is not with a drift net?—No, with a fixed drift net of 150 yards length.

298. What do you mean by a fixed drift net?—A net that is fixed at one end and worked round.

299. That is not a common-law right of fishing, is it?—You have to get a certificate for it.

Chairman.

300. There is one rod fixed to the shore?—One fixed to the shore or to a boat, and then it is rowed round and taken in. There are other places where they have absolutely fixed nets, but we have not got any. They have nets fixed right across, but we have not got that.

Mr. Green.

301. Do you know whether free fishing on the Leman has been interfered with recently owing to the operation of Land Purchase?—Not that I have heard of.

302. It has been stated that some of the free places on the Leman have been sold?—As I said before, Sir Harry Stewart claims several fisheries over the whole of these upper waters, but he has never interfered, nor have I heard of any other people interfering with them. Just as regards the Leman, as you do mention it, perhaps I might make a suggestion. I do not know whether it is pertinent to this inquiry, but I think that perhaps the fishing there runs a little too long, as I know that a lot of fish having spawn are caught late in October, which I think should be still left in the river.

Mr. GUYAN.

303. Have you applied to have the season opened earlier?—No.

304. You know that it is possible for you to do so under the new Act?—Yes.

305. And you have not thought it worth your while to do that?—A fishery inquiry is a thing that has to be carefully considered in all its bearings before one asks for it. I think that probably it would pay us to do so.

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Mr. GEORGE BROWN—continued.

[DUBLIN.]

Mr. Green.

306. Do not a great many anglers come to Kilmacanogue for the sake of the free angling?—Yes.

307. And is not that an advantage to the country about there?—I think so.

308. And does it not give employment to boats and oarsmen, and gillies?—Well, yes, to boats, and I understand that a good deal of fishing is done on that upper water.

309. So that the existence of free angling brings a number of tourists and people of that kind to the country?—A great number, and I think that free angling where it is carried on in a proper sportsmanlike way does not do a river the smallest harm.

Mr. Gwynn.

310. Do you agree with me that the fact that the angling on the Liffey has always been free to the people on the banks has had a great deal to do with the fact that there has been very much less poaching on that river than on most rivers in Ireland?—I think so. I think we are all rather a happy family there, and that there is less poaching there than in most places. But it is my opinion, though I am not an expert, and I may be quite wrong, that it is a great damage when fish that have not spawned are caught in the spawning season, as you lose all those millions of eggs that those fish would lay. I am not so absolutely certain that killing minnows does the river very much harm.

311. Would not you agree with me that you could rectify that by taking steps to get your river opened earlier and closed earlier?—I dare say. I think there is a good deal in what you say.

312. About the question of poaching, have you ever heard of people poisoning the Liffey?—Only with lime water and flax water.

313. The flax water is an accident, of course?—Not altogether an accident, but sometimes.

314. I have seen the Liffey full of fish killed by flax water, but nobody was lifting the fish, so that it was not for the sake of killing the fish?—Oh no, but they open their flax dams heedlessly and turn the water in and don't care.

315. But have you known any case of the Liffey being poisoned with a view to killing the fish?—No; never heard of it.

316. Or of dynamite being used?—No; never heard of that either.

317. Have you heard of any prosecutions for poaching there?—Oh yes, there have been.

318. Frequently?—Yes.

319. What sort of poaching?—Generally gill.

320. If you compare that with the Ormeau or any other river you happen to know, I don't know if you agree with me that poaching on the Liffey is a much less organized business?—I do not think there is much organized poaching. I think it is just a question of a few bloodsuckers.

321. It has always seemed to me that the fact that the Liffey was a free river to the people fishing it made it their interest to see that there would be no poaching?—There is also this, that it has not got the miles of hushland that most of the other rivers have, and it is much easier to watch. I think that probably all these facts come in.

322. And do you think it is better because there is more deep water in it?—Yes. But speaking as a lower-water person, my view of the question there is that I should not like to see a net in the upper waters, either in Lough Fera or any other place, meaning that the public had a right to do it, which I do not admit for a moment; but taking it as a typical river, I should be very sorry to see any netting up there, because probably it would be killing the goose for the golden egg.

Chairman.

323. There is no netting there at present?—Not that I am aware of; indeed, I am sure not; but taking it as a typical river, and assuming that people had nets all along that river, I think that if that right was taken away from them by law they should have some compensating rights the other way.

324. How do you mean exactly?—Well, I mean proper supervision and restriction of netting at sea, and possibly (and I am speaking now against myself) a few hours extra close time with regard to the nets and boats at the estuary, and, taking rivers generally, a much better attempt made to destroy pike, &c.

Mr. Gwynn.

325. That does not apply to the Liffey, of course?—That does not apply to the Liffey, but I should think to Deangal rivers.

326. There is no pike in Deangal. But all this would be in favour of an increase in rod fishing?—An increase in rod fishing.

327. And you would not like to net the upper part of the river?—No; if you net the upper part of the river you kill your breeding fish there, which hits everybody.

Chairman.

328. Certainly. I take it that you mean that if you place restrictions on and prevent netting in the upper part of the river and take any other means to protect the fish there, you ought also to look to the sea fishing and try to prevent so many salmon from being caught there and stopped from running into the river?—Yes, so as to allow a fair proportion of fish up for everybody all round.

329. That is what you mean—a fair proportion for both sides?—Yes.

Mr. Gwynn.

330. Now, as to the value of rod fishing compared with net fishing, you killed 1,500 fish this year you say, and you killed 1,200 of them with nets?—1908-9.

331. Did you let the rod fishing last year?—We did.

332. May I take it that the 300 fish that were killed on the rod represented a larger money value to the owner than 300 fish that were killed with nets?—Oh, yes.

333. A much larger value?—A larger value.

334. That is to say that if you develop rod fishing you are developing in proportion to the supply of salmon a more valuable asset than net fishing?—I think so, in the way of an asset that is more evenly distributed. In your net fishing you get your best fish. The commercial fish are the fish that are caught practically when they come up from the sea. I mean that if a fish is disclosed, and has been up in the river for some time you won't get the same price for him.

335. What I mean is this—Suppose you have got a stretch of the river on which you would be likely to kill 800 salmon you would be able to let that stretch of river possibly for £300?—I suppose you would.

336. And 800 average fish taken by net over the year would not represent £300 in commercial value?—No, but they would represent a good deal of it.

337. They would on the Liffey, because you get them very early?—Yes.

338. But on other rivers the grise that they kill in the sea would be about three to £1?—Yes, I suppose that would be about it.

Mr. Green.

339. Your netting is altogether in the tidal waters?—Altogether in the tidal waters.

340. And when you speak of a three miles limit, that is three miles just outside your fishery?—Yes.

341. But there is no three miles limit as regards open sea fishing?—Absolutely none, but I think some limit ought to be put, say a mile.

342. It would not be fair to ask you a question that I may have to make an inquiry about, that is as regards the length of these nets, and therefore I will not ask you about that.

Chairman.

343. He said some of them were a mile?—That is what I understand.

Mr. Gwynn.

344. That is not the nets that you are fishing?—No.

345. Who protects the Liffey?—We spend an average of £250 in wages on our fishery alone.

346. That is Sir Harry Stewart?—Yes, Sir Harry Stewart.

347. That includes wages to drift net men?—Yes.

348. Who does the protection of the Liffey?—The protection of the Liffey is done, of course, by the Conservators.

349. That is for the upper waters?—That is for all the waters. Besides paying £250 we pay £50 or £100 a year in rates on the value of our fishery.

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Mr. GEORGE HAYES—continued.

[DUBLIN.]

Mr. Gwynne—continued.

349. Is it not the case that the riparian owners on the upper waters assert a claim to the fishing on the bank, on their property?—I have never heard of it.

350. I put the case. Do you tell me that a man would be free to go and fish anywhere on the bank from Kilmacrennan to Rampton on the ground that it was a several fishery?—You are asking me a question of law now that I should be very sorry to make a statement about.

351. I was asking you a question of fact. Would not the fisherman be liable to be interfered with, and still be it not, as a matter of fact?—Well, not that I have heard of.

Mr. Green.

352. It would be against the interests of Kilmacrennan and the whole of this country to object to this free fishing?—I think very much so. These are people who have boats on Lough Farn and make a lot of money that way.

353. Do you think, speaking generally, that netting in fresh water is a bad policy for the general interests of the salmon fisheries?—Speaking generally, on the smaller rivers I am certain that it is, and I will give you an instance in my river; but I do not think it would be fair to take away that right without giving them a good pro quo. I mean if the riparian owner has that right, even though the Ten Commandments are now being revised by Act of Parliament, I do not think that right ought to be taken away from him without giving him some compensation for it.

Chairman.

354. What sort of compensation have you in your mind?—The compensation I have in my mind as a good pro quo is the regulating of the fishing out at sea, and giving them a better chance in the river, I mean by increasing the weekly close time or something of that sort.

Mr. Green.

355. That interferes with the present rights of the owners of several fisheries?—Yes, but if you are going to interfere with one right, and if you want to keep the fisheries of Ireland going, you will want to do it all round.

Mr. Justice Ross.

356. You said with regard to the lands on the banks of the river that there was no intention of selling under the Land Purchase Act. Have the fisheries anything to do with that?—You see the lands were absolutely in our own hands. There is no tenanted land on the pool that I am talking of, so that no question arises. The land alongside and above the pool for a couple of miles has been sold.

Chairman.

357. You said that the fishing rights there had been reserved?—Yes.

Mr. Justice Ross.

358. Of course, it often happens where a landlord has allowed free fishing before, that when the lands are sold out the tenant exercises the right of preventing anglers from going on the land along the banks. Is not that so, and does that occur in this district?—Not that I know of. I think that if everybody is any way reasonable no such trouble would arise. Taking my own case, I find that where I bought fishing rights in a river they do not pull down fences or make gaps in the place. They are very glad to see you, and will always tell you where there is a fish. I find it perfectly easy in my own case to get on very well with them.

Mr. Green.

359. Lord Leitrim owns some land on the sides of the Leman?—I think he does.

360. He has not claimed any fishery?—I have not heard of it. I do not want in any way to compromise myself as regards that.

Chairman.

361. Now, we might go on to the river Beart, in the Co. Leitrim?—Yes, that is rather a typical case of what may happen. That is in the Sligo district. The several fishery at the mouth there, which belongs to a local gentleman, is let. The fishery at the mouth is let to Sir Charles Petrie. It is a very early river. Net fishing opens on the 1st of January, and the red fishing opens on the 1st of February. Well, the fish there are running up practically all December, and the supply to the upper waters very much depends on whether there is a flood in December or not, or whether the floods come at weekly close times.

362. If they cannot get up before the opening of the season then the fishing above is bad?—Then the fishing above is periodically bad unless the floods just happen to come during the weekly close time, which very generally they do not.

Mr. Gwynne.

363. Is this upper water on the Sligo river?—Yes. 364. That flows out of Lough Darr?—Yes. The fish go right through there (they do not lie in the way) till they come to Lough Gill, and then a proportion of them push up through the lake and up to the Beart.

Chairman.

365. The several fishery you refer to is below Sligo town?—Yes.

366. You say that the upper waters of this river above Lough Gill were mostly formerly held by four landlords?—The upper waters above Lough Gill were held by Mr. Lane-Fox, Mr. Owen Wynne, Colonel Clements, and Lord Massey, principally.

367. Have some of those properties been sold?—Mr. Lane-Fox's property was sold. I was at that time a tenant of his for the house I live in. I had the sporting rights on some of the place, the sporting and fishing rights; and the property was sold.

368. Did that property include both banks of the river?—Yes, most of the way. There were just odd bits that were not included. It is for six miles up, including the fishing part of Lough Gill.

369. The fishing rights were not reserved?—The fishing rights were reserved from the sale, because I was a tenant and they were sold to me. I had a lease of the house and sporting rights.

370. Who takes it now?—I fish it with the rod. 371. Two of the four landlords have sold and have not reserved their rights?—Yes, high up. I think that is as far as I can make out—Lord Massey and Mr. Clements.

372. What has happened there?—Well, the holdings are not vested as yet.

373. Have the demands entered into any combination to pool their rights?—Nothing has been done so far as I know.

374. Is the fishing valuable?—As high as that it is not as good, of course, as it is lower down.

375. But it includes portion of the fishing area of the river?—Yes.

376. Does it include the spawning beds?—Yes, to a certain extent. There are other streams running into it, where the fish spawn, that it does not include.

377. Is there any difficulty as to interfering with the spawning fish up there?—Yes, there is a great deal of poaching there of spawning fish.

378. In whose hands is the protection of this river altogether?—In the hands of the Sligo Conservators, and, of course, the riparian owners keep people on it too. It is a sort of joint business.

379. Now of the four properties you have named—which have been disposed of—there was one where the rights were reserved and there were two where the rights were not reserved. Now as to the fourth?—As to the fourth, that is in treaty for sale, and, obviously enough, the larger tenants, who would be chiefly affected, have no objection to the owner reserving the rights, while people who have perhaps 50 or 100 yards of the river want to reserve the rights.

Mr. Justice Ross.

380. They want to get them?—They want to reserve them.

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Mr. GEORGE HAWKES—continued.

[DUBLIN.]

Mr. Green.

381. I suppose they want to reserve them to themselves?—Yes.

Mr. Justice ROSE.

382. Of course, they could do just as much mischief as a man with a larger area?—Yes. And they have only one side of the river. They would have to net the opposite side as well if they netted.

Chairman.

383. This matter has not yet been closed?—No.
384. After all, if those men had a right to net and did not?—They could make it very easy for you.

385. They could destroy the other part of the river?—If they happened to have a suitable spot for netting they could, see they could stop all the fish that came up.

386. Assuming, then, that a property of that sort is sold without the rights being reserved, what arrangement, do you think, Mr. Hawkes, could be made by which really the river would not be destroyed?—Well, if I was living in the locality I should try and get the tenants to combine and really look after the river, and pool their rights, and try and get something for them, if that part was suitable for net-fishing. They do that in Sweden. I have fished for a couple of years out there for trout, and the results that were paid seemed to go to the village; and there was excellent fishing, and it seemed to work very well.

Mr. Justice ROSE.

387. But one crank could upset that?—One crank could upset the whole thing, of course.

388. Have you any idea that that is done in Ireland?—I do not think so. It is rather too early. I do not think people have found them large there yet.

389. But you regard it as a possibility?—Oh, I do.

390. A useful possibility?—I should like to see it.

391. Suppose that right was taken and was going back to them, would you give it back to them according to the size of their interest, or would you give every man who had a footing on the river, so to speak, the same?—It is not easy to say, of course, because one man there may have a salmon throw on his place and another may be in deep water where a salmon could never be caught. I think that the thing could be arranged, but it would be very hard to devise a regular scheme.

392. Roughly, would it not be better to do it equally?—It would be much better to do it in some way of that sort.

393. Your theory is to reward them in proportion to their opportunity for mischief?—That is not my theory at all. I am quite with you, but the point is how it is to be done.

Chairman.

394. When an estate is sold and the rights reserved, surely the value of the fishery is computed, so that the amount is taken off the sale price of the whole estate?—Oh, not a bit of it.

395. In theory that would be so?—In theory it would be, but in practice it certainly is not. If you are selling an estate and there is a swampy plot on it where ducks might swim, they would probably fight more over this than over a two years' purchase of their holdings.

396. Is their desire to retain the right?—In their desire to retain the right—but what I wish to say is this, that in that class of river, if anybody could be got to buy up their rights, whatever they are, for a sum of money, and give the capital value of them, I think myself that that would be much the best way out of it.

Mr. Gwynn.

397. Would you then throw the onus of preserving on the tenants themselves?—Oh no, I would not. I do not see why you should do that, but I certainly think that they would be pleased if they got a sum of money in their fish.

398. But is there not a good deal to be said for leaving the rights with the tenants on the ground that they are the most economical and the most efficient class of holders of the water that you could get?—I think in theory, possibly, but not in practice.

Mr. Gwynn—continued.

399. But it is being done in parts of Donegal, as a matter of fact?—Oh, yes, and that is what I think was running in the Judge's mind, but instead of working on a system of yearly profits and dividing between these people, 5s. to one and 10s. to another, I think if the thing could be capitalised by somebody and they were given the money down it would be better still.

400. Then you don't think it is sufficiently important to give them a permanent interest in maintaining the stock of fish?—I do not think so on the bulk of rivers where there are small holders, because they never could be got to pull together—I mean where there are a lot of small holders.

Chairman.

401. Would not there be an equal difficulty in dividing this capital sum?—I do not think there would; and men would much prefer to get the money down.

Mr. Wrentham.

402. Suppose an annual payment was made contingent on a man taking part in the preserving, would not that be an inducement to him to try to preserve?—You would have Pat Healy coming to tell you that John MacDonogh hadn't been looking after the fishery.

403. And you don't think it would be worth while?—Not on the average small river.

Mr. Gwynn.

404. Don't you think that some tenant purchasers in Ireland, at any rate, have a sentimental feeling about acquiring land subject to some other man's superior right?—I think it very much depends on who that man is.

405. I quite agree, but still you will admit that there would be such a feeling in the case that I am taking?—Suppose a man buys his land subject to the right that some other unknown person will have to go over it to shoot or to fish at his will, as the case may be, and to take such measures as he thinks right for preserving the game. Don't you think that a great many tenants would be inclined to resent that?—As a matter of practice, I have found that where that has always been done there is no difficulty. I am perfectly certain that if you come into a portion of the country where you had never shot or fished and said, "I mean to preserve this fishery and to look after this river and let nobody fish," I am sure they would resent that.

406. They would see to it, in fact, that there was nothing to fish for?—Yes, most likely; but, as a matter of practice, where people have lived in the country and have been accustomed to exercise certain rights I have found very little difficulty.

Mr. Green.

407. You said a while ago that if attempts were made to get the small riparian owners to combine in an association one crank might stand out and spoil the whole thing?—Yes.

408. Do you think it would be possible for any man to damage the fishery to any appreciable extent by means of angling?—I do not think angling ever damaged any fishery.

409. Then if the right of netting was prohibited in the whole of the river that we are speaking of, would not that take away the river altogether from the power of any crank?—Yes, but let us take the other view of it. As a riparian owner he has a certain right. I do not see why you should take away that right without giving him this good pro quo, something on the lines I have indicated.

410. Do you think that many of them have the slightest idea that they have that right?—I should think that if they have not they will find it out very soon.

411. On most of these rivers that right is practically of no value to them now?—None whatever, practically of no value at all, but they might do a great deal of harm.

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Mr. GEORGE HENNESSY—continued.

[DUBLIN.]

(Chairman.)

Mr. WRENCH—continued.

432. But if it was pointed out to them that by combination they could acquire a very valuable asset in the way of getting the rod-fishing that could be let out on this river, surely that would be a good prospect, and would not that satisfy them in every way?—Take that very case now where there is a long stretch of rather sluggish river, with the angling no good except at certain places, he may say, "What good would that be to me?" and if you are going to take away that right you must give him something for it. In that long stretch of river where you never could catch with a rod, these fellows might say, "When the fish come up we will not what fish we can."

Mr. Gwynn.

433. No man would go to take that stretch of river that you are describing unless it came in on some other part where there was salmon, and suppose you lease a sufficient stretch to make it worth a man's while to take, could you not deal with those gentlemen who have no direct interest in the fishing themselves as anglers by giving them a share in the whole of the fishing?—Yes, exactly, and that is what I propose to do, but what I say is, that it would be better to buy out their share once for all and have done with them.

Mr. Wrench.

434. You do not think that that would put an end to their interest in the river in future?—I do not think so. I do not think it would affect the question at all. The Conservators will still have their water benefits, and the man that has been paid will have no grievance because he will have got cash for his rights.

Chairman.

435. Then you contemplate an individual specialising in this?—I think it is possible. I think especially that the trout streams running into the large rivers can be very much improved.

Mr. Green.

436. Such a river as you are speaking of is of immense importance to the outside fishermen?—Immense importance. If all those fish that go up are taken with the net up there you kill all your sporting fish and you have nothing left to you.

437. And the sea fishery would suffer?—The sea fishery would suffer. And that is my argument, that if the sea fishery does not want to suffer and the mouth fishery does not want to suffer they must give something to the upper water people.

438. So that one crank on a salmon river starting netting might do irreparable mischief to the sea fishery and the estuary fishery, and practically all the fishery?—Certainly.

439. Is the sluggish pool which you speak of where angling would not be of any value netting would probably be very effective?—Yes.

Mr. Justice Ross.

440. Is it your experience as a land agent that the acquisition of sporting rights by a tenant often has a most injurious effect on the tenant himself?—In most of my county the people that have there have always had their sporting rights and we have often reserved them, but you never see a poacher very successful in any case. They generally do come to grief in some way or other.

441. The money from the sale of game is usually spent in drink?—Yes.

442. And they do not attend to their farming?—And they do not take out licences, and they are caught and fined; and if they do take out sporting licences they have to pay £5 a year. I mean that it is a waste of a national asset.

443. You do not, of course, propose that anything they have got should be taken from them without giving them something in return?—That is what I am trying to argue.

Mr. Wrench.

444. Have you ever known in a case where sporting rights were clearly vested in the tenant that any attempt was made on the sale to take those rights away?—No, certainly not. I have never met a case

of that sort. I should like to give you some idea of the position in business. On that River Bonet, where I bought the fishing rights, I take out two net licences for netting fresh water, but did not use them last year. I take out those licences in order to have a hold on the lower water people and say, "If you don't let a proper lot of fish up I will fish this."

445. And you do not fish it?—I do not fish it as long as a proper lot of fish are allowed up. I never have fished it because the fishing on the Bonet has steadily improved.

Mr. Gwynn.

446. It has steadily improved?—Yes.

447. Since when?—For the last seven or eight years. I will not say anything further than since it has been under different management and since certain by-laws were passed.

448. Then there was a weir erected across the river at its mouth?—Well, that is a difficulty of rivers of the class of the Sligo river. There is a weir right across at the very narrowest part of the mouth with only one ladder stick away right in the corner. A dead end in the river would be enough to keep every fish from going up.

449. That is unwise, isn't it?—Oh, yes; but that does not matter.

Mr. Green.

450. That several fishery at the mouth of the Sligo river is a very valuable fishery?—A very valuable fishery.

451. Worth possibly thousands of pounds?—I do not know what it is worth exactly, but it had greatly deteriorated from being over-fished, until we had the inquiry and really took the thing in hand, and it has considerably improved since that; but looking at it as an upper-water person and being a fisherman I should be very sorry to lose that whip over the lower-water people.

Chairman.

452. You allow fishing for trout and coarse fish on this river?—I allow anybody to fish for trout and coarse fish on the river, and sometimes in other places, unless I find them fishing unfishily, and then the licence is withdrawn.

Mr. Gwynn.

453. Is the trout fishing fairly valuable there?—It is, but not as much as it ought to be, because there are many pike in the river.

454. Is it a river where trout are big?—You get them a couple of pounds, but not (except late in the season) any really big ones.

Mr. Justice Ross.

455. If the pike were destroyed the trout could be greatly improved?—I think so. I think a great deal more ought to be done to destroy the pike. Nobody has any idea of the amount of ora that they eat—salmon ora and trout and everything else.

456. What is the simplest way of destroying the pike?—To set them in the spawning time; and if you shoot them and out raibies where they spawn and that sort of thing a great deal can be done. I know in the Lichen they set for pike during all the winter there and kill them and put back the trout they catch.

Mr. Gwynn.

457. Don't you think a great deal could be done to increase the number of tourists to the country for trout fishing?—I do certainly.

458. Because people come to Ireland to fish salmon, and you hardly ever hear of anybody coming to fish trout?—I quite agree with you. As regards those small streams they are in the habit of leaving them in the winter time. They dam the streams up and turn them and whatever trout there are there in whatever condition they are, and that means that all the big trout are killed. One wouldn't give one's worst enemy a spent fish to eat, but you cannot prosecute a gentleman for sending you a present of a fish out of spawning time, and all you can do is to send it back to him by post, and I do not know in what condition it arrives on its return. But that shows what goes on.

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Mr. GEORGE REYNOLDS—continued.

[DUBLIN.]

Mr. Gwynn—continued.

436. Of course there is some reason, but I gather that Lough Gill, which ought to be a good trout lake, is of no value?—The cause of Lough Gill is this, that there was a lake called B. Lake, where people named M. used to live, and the water used to run out of one end of this, and in years gone by they made a river at the other end and let a whole lot of sluice or beams into the river, and then into the lake, and that turned all the trout into bottom feeders, and they don't rise.

Mr. Justice Ross.

437. Explain that?—(Witness explains on Map.) A longer got one trout the other day salmon fishing on Lough Gill about two pounds, but very few are caught.

Chairman.

438. Have the trout deteriorated?—Well, you won't get them. They don't rise.

Mr. Justice Ross.

439. There is no necessity in there to rise?—Yes, they are gaged with the food below.

Mr. Gwynn.

440. Is it the pike then which put it out of the question that a man should stock Lough Gill extensively with trout—is it the shade?—You must get your pike out first.

441. I agree?—There is not the smallest use in putting trout in a place where there are pike. There won't be one trout left in it.

Mr. Justice Ross.

442. Has any systematic attempt been made to destroy the pike there?—No, none whatever.

443. And they will eat everything?—They will eat everything. They will eat young ducks—anything.

Mr. Gwynn.

444. Lough Gill is an extremely beautiful lake where probably nobody goes as a tourist?—Not many.

445. That has always struck me as strange. If there was reasonably good trout fishing on that lake would it not be worth their while?—I will just give you an idea of the trout there. They do not grow any larger than your hand. It is very much a question of feeding, too, as to whether the trout will grow.

Chairman.

446. Is Lough Gill a cold lake—it cannot be more so than any of the other lakes about there?—Lough Arrow, which is very much the same class of lake, is very often a splendid May-fish lake. I think a great deal could be done to develop these things, but I want to see them taken up as a whole and not piecemeal.

Mr. Gwynn.

447. The fresh-water fishing of the country is a national asset?—Yes.

448. And you have got a double interest in salmon—namely, sea fishing and land fishing?—Quite so. If you destroy the nursery you get nothing at sea at any other place, and if you catch them all at sea you do not get fish at the nursery.

Chairman.

449. I asked you just now in Lough Gill a cold lake—is it fed by springs or do streams run into it?—This very Beart, which is a boggy river, runs into it, and there are other streams running into it, but I do not think it is any colder than any other lake.

450. You have described the upper waters as being particularly valuable in connection with spawning?—Yes.

451. What do you think will happen if the tenants purchase the fishing rights there where there could be no fishery, where they could not realize anything from the sale of fish?—I do not think anything could happen more than at present unless preservation is dropped.

452. You think it would be possibly better to continue the preservation?—Yes. I think as regards that that the police ought to be utilized at spawning time to watch the spawning beds.

Mr. Justice Ross.

453. A policeman is worth five or six baillifs, because they know the law on his side?—Yes.

454. And do you think that would be advisable?—I am sure of it.

455. During the spawning period?—Yes, during the spawning period.

456. For the purpose of preserving public property?—For the purpose of preserving public property.

Mr. Green.

457. Certainly that is amongst their duties at present?—I think it is more honoured in the breach than in the observance. If you have a good sergeant I think they will often do it, but I am sure they do not consider it as part of their duty.

458. Is it not a fact that in many districts the majority of prosecutions are brought by the police?—Not in our districts.

459. Because there is no poaching in your district?—No, practically none.

Chairman.

460. Do you think that the Boards of Conservators do their duty and administer their districts fairly and energetically?—Oh, I think they do it very well as far as any of the Boards that I have come in touch with. I am a member of the Sligo Board of Conservators, and they certainly do their work very well.

461. Are the funds at their disposal sufficient?—I do not think so.

462. Have you any suggestion to make as to how they could be increased?—Well, just on that I think the only way they could be increased would be in the usual way by a Treasury grant, but there is just this one point on which, I think, there is a little understanding as between certain Boards, that a man may go and take a salmon licence or a rod-fishing licence in Limerick, and he may fish at Greedone the whole season on the same licence. The Limerick people get the benefit of that licence, and the Greedone people get nothing. And also the Limerick people might be getting with the drift nets licensed on that coast salmon which, though caught there, ought to be really going somewhere else, for all we know.

463. Do you think that could be remedied in any way by making a central authority the persons to issue licences?—I think very likely for the issuing of salmon licences certainly; and I think that these licences—that is, the drift net licences—ought, perhaps, to be limited; and I think that a central authority for issuing rod licences would very likely be a good thing, too. But I think that the money should be sent out to the Board of Conservators to administer. They would know what the country wants, and would, probably do it better than any central authority.

464. I am making a suggestion to meet your difficulty?—Yes, I think the issue of rod licences and drift net licences ought to be centralized.

Mr. Gwynn.

465. Would you think it right that the rod licence should frank a man within the hunting district, and that if a man wanted to fish in two or three districts he should pay to each of them?—I think that would be a great deal fairer than the present arrangement, at any rate. I think it would come very hard on the poor man, but the average fisherman does not care very much whether he pays a pound or four pounds.

466. What is not the poor man, generally speaking, now the man who fishes just in one river?—I should say very likely.

467. Does it not strike you as unfair to treat in the same way the man living alongside the bank of one of these small head rivers where the fish do not come up till July or August, and where he has to pay a sovereign to catch three or four fish in the autumn, and the man who does nothing but fish from February to November and can frank himself over the whole of Ireland for a sovereign?—Yes, I think that is rather an inequality.

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Mr. GEORGE HAYSON—continued.

[DUBLIN.]

Mr. GUYSON—continued.

470. Would not you meet that to some extent if you made the licence applicable to the district?—Well, I think, that, perhaps, would be a good way of doing it.

471. Would you be in favour of issuing licences of a lower value applicable to one river only?—Oh, no; I certainly think a man would not be likely to be so hard up that he could not pay a pound when he gets his first salmon. I think a pound should be the minimum.

Mr. WRENCH.

472. And then you would have a general licence for £2 or £3?—Yes, certainly.

Chairman.

473. Have you anything to say about salmon hatcheries?—Well, as regards salmon hatcheries, I have never heard of any that, as far as I could find, really improved the fishery, and most of my friends who have them seem very doubtful as to the benefit of them. I think that on the Ballinacorney River they, perhaps, prevented the stock of fish deteriorating.

Chairman—continued.

but I do not think that the results of salmon hatcheries have proved satisfactory. I dare say trout hatcheries in the smaller rivers if properly protected would be of use, but the fish don't go down to the sea.

474. Do you think as regards salmon that if they got up and were allowed to spawn that would be sufficient?—I think that is quite enough. I believe Lord Dunsany has very much improved the Maigne by the trout hatchery there, and I think very likely the smaller rivers would be very much improved, too, if properly protected.

Mr. JUSTICE ROSE.

475. But till you get the pike exterminated as it is possible to expect complete success?—Not in the smaller rivers, my lord. You see pike won't go into running water. You don't get them in the mountain streams at all, but in the larger rivers, where there are deep pools, the trout have a poor chance. In the smaller rivers, I think I am right in saying that the trout generally stop there and go to the top to spawn.

Mr. HENRY DUNAN, examined.

Chairman.

476. You are one of the permanent members of the Congested Districts Board?—Yes.

477. And I believe your peculiar department is dealing with estates?—Chiefly.

478. Perhaps you would take the subject in the order in which you prepared your notes and just tell the Committee what you think will bear upon the subject that they are here for the purpose of considering?—Having examined your reference, which your Secretary sent me a copy of, I do not propose to go much into details, but to state to you the Board's experience in connection with rights of fishing on estates that they have dealt with. The Congested Districts Board have purchased a large amount of property in the Congested Districts Counties. On those properties there are a number of rivers either passing through or forming portions of the boundaries of the estates. I made out a list of those rivers on estates dealt with by the Board, and will hand it in. This list shows the county in which the estate is situated, the name of the river, and of the estate which it passes through or forms portion of the boundary of; the class of fish, if any, found from the river; whether the river is one in which salmon spawn, and, also, how the rivers or fishing rights have been dealt with by the Board on the purchase of the estates, and on sale to the tenants. I thought that information might be useful to you.

479. Quite so?—I think I ought to say, before passing from that, that it seems to me that a great many water-courses that really hardly deserve the name of rivers have an important bearing on the question of inland fisheries. I know quite small streams in which salmon have been caught during the spawning season and at long distances from the sea. I heard of a case not very long ago (I cannot say that I know it of my own knowledge) of a small stream in a part of Mayo, I should say about forty miles from the sea, where a man galled a 30lb. salmon during the spawning time. The Board's policy in dealing with rivers in connection with the purchase and sale of estates is as follows:—Where a river purchased by the Board was one from which a fishing revenue had been derived, and that they consequently had to pay a substantial sum of money for it as distinct from the agricultural portion of the estate, they have, up to the present, retained the river back from the holdings which shut upon them and retained those rivers and fishing rights, except in one case in which they made an arrangement with the tenant-purchasers whose holdings abutted upon the river that they would sell to them the fishing rights and river bed at the price which the Board paid.

Mr. JUSTICE ROSE.

480. Before you pass from that let me ask did the Board have it to them to do what they liked with the fishing or get them to make some arrangement under which the fishery was to be let and the value divided amongst them?—Yes, but the arrangement is not finally closed yet. Later on I will explain.

Chairman.

481. You have in your mind the case of the Guinness?—Yes, that is the only case.

482. We have had evidence of that from Mr. O'Connor?—Yes.

Mr. JUSTICE ROSE.

483. You will tell us later on, so far as you wish it?—Yes. The Board deal with the rivers in three ways. First—Rivers which the owner excludes from the sale of the estate. The Board make no objection to such exclusions where the tenants cannot show that they previously enjoyed any rights over the river. Second—Rivers the owners of which were not particularly anxious to retain although getting revenue from them and where the Board thought it would not be fair to say to the owner, "You must keep this portion of the estate and sell us the remainder." The Board's policy in such cases is to buy the entire estate as far as they can do so. Third—On the great bulk of the estates the rivers have not been yielding any revenue, and cannot be said to be important from the sporting point of view—but, in my opinion, these water-courses are very important in connection with the development of fisheries, because many of them, although small rivers, or what I would call streams, are places where large numbers of salmon spawn and a great many are destroyed before spawning. The list that I submit contains the names of 26 rivers which have been dealt with in these three different ways. Six of them were excluded from the sale when the Board purchased the estates by the owners. Three were reserved to the vendors or their representatives for a specified period.

Chairman.

484. Those six were the most valuable rivers?—Yes, rivers like the Liscroe in Kerry and Moy in Mayo were amongst those excluded. Then three were reserved to the vendor—at least, the fishing rights were reserved to the vendor for his life or for the life of some member of his family; that is, for a limited time; and in all the remaining cases the sales were to the Board without any reservation.

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MR. HENRY DENNIS—continued.

[DUBUIN.]

Chairman—continued.

485. Before you leave the case where they were reserved for the life of a person, was there any arrangement as to what was to follow upon the life terminating?—No.

486. The property was just vested in you subject to the life?—Yes, the Board will have control of the fishing rights on the termination of the life. And we have informed the tenants that the Board's wish in these matters would be to form a Committee of the occupants of the lands immediately adjacent to those watercourses with a view to their preserving and working them for their own advantage, the Board not seeking to make any profit out of them. Would you wish me to give you any more details of these three cases—for instance, the first one, where the owners enclosed rivers such as the Leuze and the rest?

Mr. Gwynn.

487. Perhaps you might name the rivers?—They are all given in this table of mine.

Chairman.

488. In the case of those six rivers no difficulty has arisen in connection with the passing of the estates to the tenants on account of those reservations?—No.

Mr. Justice Ross.

489. Things are just the same as they were before?—Yes.

Chairman.

490. It will interest us very much to know how you have got on with regard to the second class of rivers?—In the second class there are only three, and they were reserved for the life of the owner or of some member of his family.

491. Take the third, where committees have been formed?—There is only one case so far in which a committee has been formed.

Mr. Justice Ross.

492. Tell us the particulars of that case?—Yes, the Owens. In that particular case the landlaid, before the purchase by the Board, received a revenue out of it of about £150 a year in the gross. The fishing of the river was divided into "three rods." Two of the rods were let at £80 a year and the third was usually retained by the owner for his own use. Then out of the revenue expenses of watchmen had to be paid, and as those expenses absorbed a considerable part of the revenue, the sum which the Board paid for this fishing was only £400. When they were buying the estate, having regard to the large proportion of the probable revenue that would have to be paid to watchmen on the river it was considered not worth more than the price paid. It was my opinion that if properly looked after the net revenue from the fishing might be largely increased. The tenants of the estate generally objected—protested, perhaps, I ought to say—against the Board retaining this river, and it was explained to them that if a satisfactory arrangement could be made under which the Board would be repaid the amount of public money that was invested in this item of revenue of the estate, they would sell the river to a committee of the adjoining landholders. After looking into the matter it was found that considerable difficulty would arise if we gave to any landholder outside those whose lands immediately abutted on the river an interest in the transaction. Even confining it to these the number was very large—43.

493. Everyone of the 43 had a frontage on the river?—Yes. This large number suggested that the revenue which each one of them would receive when distributed pro rata amongst them would be so small that possibly the arrangement would not work satisfactorily. But, the only alternative to that was to let the portion of the river which formed the frontage of each holding be vested in the purchaser of the holding. We saw at once, and the tenants all agreed, that that would not work, because the whole value of the fishery of the river was confined to the comparatively few pools in which the fish rested, whereas on the larger stretches where the river was shallow the fish passed rapidly through, mostly in time of flood. In some cases where a man's holding abutted

Mr. Justice Ross—continued.

on a portion of the river which was shallow he would not be able to get any return on his investment if he paid his share of the purchase money while those whose holdings abutted on the pools would get all the revenue and would not pay all the purchase price. Having considered all these matters the Board decided that they would only dispose of the river in one way, and that was that when the holdings abutting on the river were vested in the tenant purchasers, they should then nominate a Committee to whom the Board would sell the river bed and fishing rights for the sum which the Board paid, and that this Committee, acting as trustees for the several owners, should manage and let the fishing, and apply the revenue to such useful purposes in the general interest of the proprietors as the Committee should decide, or distribute in equal shares amongst them. Each one of the owners of land abutting on the river was to pay an equal share of the purchase money. This was considered a better plan than apportioning the share according to the value of the land which abutted on the river, as it often happened that a man with a high-rioted holding would have a short frontage to the river, while a man with a low-rioted holding might have a long stretch of land along the river. For this reason it was considered the best course that all these persons should get the option of paying an equal share of the purchase money and be entitled to equal shares of the revenue; or if anyone declined to pay another person might purchase his share. It was clearly an advantage to have all in the arrangement proposed to be made so that each one might undertake the preservation of the river opposite his land, and prevent interference with it by unauthorized persons. The holdings are not yet vested in those tenants, but the money has been paid to the Board.

494. You have got your £460?—Yes, and the committee has been appointed, and are only waiting for the vesting of the holdings to obtain the conveyance from the Board. The committee are managing the fishing themselves. They have let it at good rents, I believe.

Mr. Gwynn.

494. What was it?—The first year it was about £100. I don't know what it was last year.

Mr. Wrench.

495. It is to be used to pay off the purchase price?—The principle are to be first applied to the payment of the purchase money which was obtained on loan, and after that the revenue is to be divided among them annually.

496. After they have paid up the purchase money, then they are to have an annual sum?—Yes.

497. I just wish to ask you this, whether you think it would be more advantageous for the preservation of the fishery to give them an annual sum that would make a conditional interest in 3 or to give them a lump sum down?—Well, my decided opinion is that the annual sum would be the better way.

Mr. Justice Ross.

498. The amount does not affect the question at all?—It is an old saying that every head is soon forgotten, and I do not see how the fact of a landholder having got, say, £15 for his share of the river, will induce him and his successors to take an interest in the protection of the fish as it.

Chairman.

499. It is right to say that the proposal to purchase for a sum of money was in contemplation of an individual purchasing it, not of a committee managing it, such as you have in this case, and such as you contemplate. The idea of purchasing for a lump sum the rights of the several tenants who had frontage to a river was in contemplation of the purchase being made by an individual?—The tenants here had no rights. It was a several fishery, and the owner exclusively exercised the right of fishing.

500. Mr. Hovson thought it desirable to pay tenants a lump sum for their rights, but he did not contemplate the case of tenants combining and forming a committee for the purpose of managing the river in their interest. He was thinking of the case

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Mr. HENRY DEAN—continued.

[DUBLIN.]

Chairman—continued.

of tenants who had rights which were bought up by an individual who became proprietor of the fishery. That was his idea?—Yes. I understood Mr. Hewson to refer to cases where, under the Land Acts, tenants became riparian owners, and had now vested in them fishing rights in connection with a river included in their holdings, and that the best way to deal with such a case would be to purchase these rights for a lump sum, and to pay watchers to protect the fish. I think that is what he meant.

Mr. Justice Ross.

501. Is it not the case that you can deal with a river if it is of considerable size in the way that you have mentioned, but that in the case of a small river the annual payments would be infinitesimal. It would be a matter of half-crowns, and that would be no inducement at all?—The small payments would be very little inducement in such cases.

502. And, therefore, his opinion was that in the case of small rivers it would not be advisable?—I think that the best plan would be, instead of paying a lump sum, to compensate the landholders according to the fish caught from each man's land. We have that system in operation in a small way in Mayo. Supposing a river passes through several persons' holdings on an estate of which we have let to a sporting tenant the sporting rights, including the fishing. He pays a certain price per head for game shot on each holding. He also pays 6d. for every white trout and half-a-crown for every salmon caught from each man's land.

503. What is your experience of that?—It is working very well about Benger.

504. I cannot understand how that would fairly work at all, because one man will have a very valuable pool opposite his land and another a broad shallow one on which nothing will ever be caught at all?—It is the man who has the pool opposite his land whose land will be most treasured upon, and it will be his interest to see that no unauthorized person takes fish out of that pool, for every fish caught from his land must be paid for.

505. He will make a good thing out of it, but the man who has a shallow stretch of water opposite his land will get nothing?—The latter has no grievance, for his land is not much treasured upon, and he has not paid anything for the fishing rights.

Mr. Wrench.

506. Is it not the fact that the practice of giving a man as much a head for grouse shot on his portion of a mountain has worked very well?—Yes.

507. And has turned people into strong game preservers?—Yes.

508. And would you apply that in the same way to fishing?—I think it would be a good thing to give a landholder adjoining a river a direct interest in the fish caught from his holding.

Mr. Gwynn.

509. He would be depending every year on the catch of fish?—Yes, and it would be then his interest to prevent injury to spawning fish in any part of the river.

510. In other words, you seek to confer the tenant purchasers as game preservers whether for shooting or for fishing purposes?—Yes.

511. You think that the best way of getting and securing their good will is not by giving them a lump sum down, but by making it a question of annual payments?—By making it their interest to preserve fish and game from which they might expect an increasing annual revenue.

Chairman.

512. Perhaps we are thinking of two different acts of usage. The circumstances under which bird money and fish money are paid are where the property is let to a sporting tenant for the purpose of fishing and shooting. It is let to him for a certain annual rent, and then he pays the bird money and the fish money for the purpose of securing the good will and the assistance of the tenants in the dracking of the fish and the game. Is not that so?—Yes. But we work it both ways, Sir David. The sporting tenant

Chairman—continued.

usually prefers paying the bird money because it brings him into direct contact with the landholder, as a giver of money, which makes it pleasant. The difference is not in principle but in detail. We provide that the landholder over whose land the sporting tenant has shooting rights may be paid in bird money, and it is his interest that the shooting shall be as good as it can be, and I suggest that the same system might be applied generally to rivers passing through the holdings of tenant purchasers, on which rod-fishing can be obtained.

Mr. Wrench.

513. A system of result fees?—Yes, and judging from our experience in a small way, there would be no difficulty in practice in carrying it out.

Mr. Green.

514. But in such a large river as the Moy, where the fishing is all done in one part of the river, and miles away from it there are innumerable spawning streams, that system would not work?—It would only work on rivers where there was a good deal of fish to be caught with the rod, rivers which now yield a revenue or that could be made good for rod-fishing.

515. Or to be caught in the part of the river in which these particular tenant purchasers were interested?—Yes. The bulk of the rivers that I include in class three do not yield a revenue from fishing, but I suggest that they are very important rivers from the point of view of the development of the fisheries, as they serve largely as the hatcheries and nurseries.

516. You know a great deal about the upper tributaries of the Moy, and it was in regard to that river I was saying that this system could not be applied?—Well, very few of these rivers could, under present conditions, be got to yield such a revenue from fishing that the system which I have been just describing could be put into practice; but if the inland fisheries are to be developed you must have a more efficient means of protecting the fish in these rivers during the close season, and if that were done I think it is reasonable to conclude that the number of fish that could be captured in most of these streams by the rod would greatly increase.

Mr. Gwynn.

517. I understand that all the rivers, such as Mr. Green speaks of, that is, largish and important rivers that come into your category, have been included in that group of six. So, does your third group of rivers that you are dealing with now include any river of such magnitude that the spawning grounds would be remote from the angling grounds?—No, the six rivers were excluded from sale altogether. We did not buy them.

518. Then these are small rivers?—The tributaries of the Moy that Mr. Green was referring to are comparatively small rivers in which large numbers of salmon spawn, but in which there is little or no rod-fishing. There is poaching in the winter. These rivers should receive much more attention with a view to the protection of fish about to spawn than they do receive, and in the absence of such attention the difficulty of developing the inland fisheries would be, I think, greatly increased. In that connection I desire to make one suggestion—that all the watercourses of Ireland be placed under the immediate control of one central body, not merely for the purpose of developing the fisheries alone, but with a view to the utilization of these watercourses in the way in which they could be made of most value to the country. They should first be made efficient for the drainage of the settlement areas through which they pass so that the land could be improved. That is more important than the fishing. Whenever an opportunity would arise, to utilize the water of these streams for industrial enterprises, this central authority should have power to regulate and issue licences and arrange for granting the necessary facilities. Drainage is all-important. Next in importance may be put the utilization of the water in connection with the development of industries, and the development of the fisheries. I believe that the best results for drainage, industries, and fishing could be secured under one central body, and

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MR. HENRY DORAN—continued.

[DUBLIN.]

Mr. Guyon—continued.

that there is nothing antagonistic in their nature. There is no reason why the deepening and widening of a watercourse necessary for the improvement of the drainage should not eventually make that watercourse better for fish. The removal of obstructions to the passage of the fish would often improve it.

Mr. Justice Ross.

519. What kind of industries are you contemplating in the use of the water power?—Well, I do not specify any particular industry, but if the suggestion be entertained to place all these watercourses, from the sea to the sources, under the control of a central body, it would seem advisable to provide that where such a body were satisfied that the water could be utilized for a woollen mill or other industry in a particular district, they should have the power to give facilities for such projects. They should also have power to remove all obstructions, such as old mill dams and ree weirs, of which there are a great many on these rivers that I have in this list—mills that were working, perhaps, fifty or sixty years ago, with nothing left of them now but the ruins, and the dams across the river flooding, in many instances, large areas of land. Persons having ownership in these structures will not, as a rule, permit interference with them without getting compensation out of all proportion to any interest they could show they had in them. And, therefore, I suggest that this central body should have powers to do or authorize to be done anything and everything necessary in connection with these watercourses which may tend to the utilization of them for the development of the assets of the country by such means as land drainage, utilization of water in connection with industrial projects, and the development of inland fisheries. My experience in connection with these watercourses has been mainly in relation to land drainage in the Congested Districts Board, and I am convinced that you cannot have an efficient drainage system unless you have one authority able to control and regulate all matters connected with the watercourses, large and small, from the sea to the sources. I think the same applies to fishing. An owner of land usually has no right outside his own boundary. He cannot deepen watercourses on the adjoining property without the consent of the adjacent owner. Neither can he do anything to improve the fishing of that portion of the river outside his own property, but if one central body had the powers suggested they would be able to investigate the claims of all parties and to make rules and regulations under which approved schemes could be carried out. The matter is too serious to allow a few people to obstruct development, and there should be some competent authority to deal with claims and the assessment of compensation on the basis of the revenue received, say, in the best ten or fifteen years.

520. You think that the development of the waterways for drainage purposes is consistent with their development for fishing purposes?—I think so, except, perhaps, in the case of a very extensive sinking of a river, when the fish might suffer for a few years; but after a short time I cannot see any way in which the improvement of a river for drainage purposes would injure the fish.

521. But in point of value do you consider that drainage is infinitely more important?—I do.

Mr. Guyon.

522. In point of fact, in a great many cases you would improve a fishing river by drainage?—I think so. For instance, while portions of a river need deepening for drainage, there are other parts where you could make fishing pools by throwing a rough dam across the river. I have known places where the fishing of rivers was improved by the making of dams in some places and by the removal of obstructions to the free run of fish in other parts.

523. I think the Clonsilla River is perhaps a better fishing river in consequence of the cuts that were made there?—That is an exceptional case, and the water disappears in swallow holes in places.

524. I do not say the swallow holes, but the other part?—I do not know that there are any other points that I have to put before the Committee.

Mr. Justice Ross.

525. I forgot to ask you in the case of that river where you took up a several fishery and varied it in a concrete, was there a regular dried salmon?—Yes.

526. With trout?—Yes.

527. I should like to look at it?—(Fiscar Funds document to Mr. Justice Ross.)

Mr. Green.

528. With regard to the same river, was it not the fact that the value of the fishing largely depended on the owner of the land on the opposite side to that which you had to deal with, that in fact the value of the fishing depended on the owner of the land which the Congested Districts Board bought having made an agreement with regard to fishing with the owner of the opposite bank of the river, and that the Congested Districts Board only got half of the river?—We only got half; the other half belongs to the Marquis of Conyngham.

529. But did not the previous landlord of the estate you are speaking of make a working arrangement with the Marquis of Conyngham?—He did, but we are not carrying that out now. The river is so narrow that it can be fished from either bank for the whole width, and as is a common practice, the owners of the fishery on either side arranged which stretch each one should fish from his own land for the full width of the river. That was an arrangement which the parties had between themselves, but it was not legally binding. On purchase of estate the Board's legal rights over the river were confined to half the river.

530. But is it not the fact that the owner of the opposite side could make it very unpleasant for your side of the river if he chose to fish at cross purposes?—I think it would be equally so for both owners, and they could make it unpleasant for one another.

Mr. Green.

And the fish would come off third best.

Mr. Guyon.

Surely no great injury could be done to the fish by whipping the river from the two sides at the same time.

Mr. Green.

I do not believe that angling does any harm in any way to the stock of fish, but angling value is another matter.

Mr. Guyon.

531. Can you subdivide or go a little further in your list—I gather that out of 86 rivers there were these 6 which the owners would not sell?—Yes.

532. And 3 which were left with a life interest to the fishery owner?—Yes.

533. That leaves 27, and I gather that out of that remaining 27 there are some that have a sporting value and there are some that have only a value as spawning streams practically?—Yes, that is so.

534. Can you give us any information of what the respective proportions are?—I show that in this return under one of the headings which I read: the fish, if any, obtainable from the river is given.

535. What I really want to know is how many rivers have been acquired by the Congested Districts Board on which there are angling rights still being concerned besides the stretch of the Ouseen?—Well, on all the 27 rivers angling rights can be exercised. On 10 of them angling rights have been let to sporting tenants, and yet several of those rivers not let for fishing are very important for spawning.

536. I quite follow that, but I want to know how you are getting along with the rivers where there are sporting facilities. We have got the information with regard to the Ouseen, but you said that there are other cases in which the fishing is being let more or less on the basis of a man paying so much to the owner for each fish?—The payments apply, up to the present, only to a few of the larger rivers in which salmon and white trout are caught. When we sell the estate we do not exclude from the sale any portion of a

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MR. HENRY DODD—continued.

[DUBLIN.]

Mr. Guyon—continued.

river that is not yielding revenue from fishing, so that the small rivers are being sold to the tenants and included in their holdings.

557. Do you know that the tenants are letting their rights on any of them?—Only in a few cases as shown in last.

558. On those 27 rivers?—Yes.

559. Except the Owens?—Yes.

Chairman.

560. Is there anything to sell?—Not much. I believe that great damage is done to fish about to spawn in some of those rivers in the winter time.

Mr. Guyon.

561. Do you mean that on some of those 27 rivers except the Owens are there any valuable sporting rights?—I believe that if they were properly preserved and some of them improved by forming fish pools by rough dams across the rivers and removing obstructions to the free passage of fish in other places, about half of them could be let for rod-fishing.

562. What was the case with the estate about the Bangor?—I mentioned the Bangor because I thought the members of the Committee would be familiar with it. It is a river which passes quite near the public road as you go from Bangor Erne to Ballina. That is one of the most important fishing rivers in Mayo.

563. Has that been let by the tenants, or any part of it?—No; we have not got any portion of that river, but we have tributaries of it, which are mentioned in this list.

564. And they have no letting value?—Yes, those tributaries have.

565. Are they let?—They are let near Bangor on the O'Reilly-Deane estate. In that case we got the sporting rights on the purchase of the estate. The estate is

Mr. Guyon—continued.

a small one. The tenants after they purchased their holdings let the sporting rights, and the revenue which they have got from the fishing and shooting exceeds the amounts which they pay for their holdings. The amounts, however, on their holdings are small.

Mr. Justice Barr.

566. So that they have got the land for nothing?—They practically have the land for nothing. There are only six tenants. Their holdings are only three or four pounds rent, and the revenue which they have derived for the last three or four years exceeded their rentals.

Mr. Guyon.

567. Then they give their attention to preserving the river themselves?—I don't know that they do anything beyond preventing poaching.

568. Have you any information as to whether the fishing has declined or improved under those conditions?—Well, I have no first-hand information, but I am sure the person who has it rented from the tenants would give you information, Mr. O'Brien Hickson. He has now the sporting rights over a very large part of that district, and he lets the fishing and shooting to sporting tenants.

569. Has he got them on long lease or have the tenants any direct proprietary interest in maintaining the stock?—He pays them bond money and fish money, as I have been telling you. Mr. Hickson's lettings are mostly under leases.

570. What about the Ballycorry river—have you acquired that property round there?—No, not yet, I will hand in this return. It shows all the rivers we have had anything to do with.

The Committee adjourned for luncheon, and resumed at 2.15.

MR. H. D. CONNOR, K.C., examined.

Chairman.

581. You are a member of the Irish Bar?—Yes.

582. And King's Counsel?—Yes.

583. And author of a well-known work on the subject of the Irish Fisheries Acts?—Yes.

584. You have property in the Co. Cork?—Yes.

585. And a residence at Bandon?—Well, about 10 miles west of Bandon.

586. The Bandon river, I understand, runs through portion of your property?—Yes.

587. And what is your relation to the river?—I own the fishing rights for 3½ miles on one side and 2 miles on the other.

588. That is 5½ miles?—3½ miles on the north bank and 2 miles on the south bank opposite, by riparian proprietorship on the north bank and by means of having purchased the fishery rights on the south bank.

589. From your tenants or from the tenants of another property?—The fishery rights on the north bank are partly in respect of land in my own occupation, and partly in respect of land which I have sold to the tenants, reserving the fishery.

590. And on the south bank?—On the south bank the sole fishery rights, purchased from the owner of the other side.

Mr. Guyon.

591. Is it a very small river?—Oh yes, a very small river. One side is no use without the other at that part of the river.

Chairman.

592. You, Mr. Connor, have given considerable attention to this subject, that is, the probable effect of the transfer of land on the fishing of rivers?—Well, sir, I cannot say that I have given it special attention except with regard to what has come under my own observation with respect to the rivers Lee and Bandon and where the fishing rights have been vested in the tenants.

Chairman—continued.

593. That is exactly what we wanted—the result of this experience?—Well, so far as my observation has gone, sir, I have found that wherever fishery rights are at present of any substantial value, or when vested in the tenants were of any substantial value, the tenants are very keen indeed to keep them and to preserve and to look after the river; but in cases where the river is too small to make one side of it any good without the other, and where the holdings are small, the river frontage being small, then of course the holding of each individual tenant has no value as a fishery asset, and naturally they do not care about it.

Mr. Justice Barr.

594. Have you noticed any change since Land Purchase has been put into operation?—I think that in the places where the fishing is of any value at present it makes the tenants much more keen to preserve it, naturally when they are the owners of it, and when they can let it with advantage, when they can get anything for it at all.

595. Is that your experience, that they do let it?—Certainly, wherever they possibly can, they let it. I will give you an instance of that on the Lee in the case of lands, having two miles of frontage on the river, that belonged to the late Mr. Sugrue, of the Irish Bar, and formerly belonged to our family (and that is the reason that I know anything about the matter). There the tenants are the owners of the lands, and Mr. Sugrue allowed the fishing rights to be vested in the tenants at the sale; and the riparian owners there are very keen indeed, and not only are they keen about letting their own fishing, but they had sufficient influence with the Maroon District Council, and so forth, to make them take up matters that they never would before have taken up; for instance, they got the District Council to oppose a by-law regarding drift nets in Cork Harbour.

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Mr. H. D. CONNER, &c.—continued

[DUBLIN.]

Mr. Justice Ross—continued

563. That is the case we had before us at the Fairy Council some time ago?—The case you had before you some time ago. It created great excitement, and they got the Council to protest against the action of Mr. Green, and so forth, in making an allegation of the by-laws in Cork Harbour. A few years ago nothing of that sort would have been heard of.

564. You say that now the sale they have now got the entire fishing rights in themselves, and now tell us how they deal with them?—They let them.

565. Do they let them to some one fisherman or by rote?—They let them to one person, whoever would give the highest rent.

566. Tell me what they do with the money. Is it distributed in accordance with the use of the farms or in accordance with the frontages on the river?—No; three tenants have sufficiently large farms to make each of their frontages an item of importance, and each of them lets his rights on his own account. They do not join together. They let the entire river area.

567. How many are there of them?—There are five or six.

568. So that the fishermen must make a bargain with each particular one?—Each particular one.

569. And who preserves it?—Well, the licensee who has it preserves it or not, as he likes, but naturally when the tenant gets a large rent for it he does not allow anybody to trespass on it. I could not exactly tell you what particular revenues each tenant may make.

Mr. Grogan.

570. Can you give us any idea of the size of the transaction?—What is the stretch of the fishing?—I think about two miles, measuring along the river, and of course the tenants naturally do not tell you their business, but I think they get rents varying from £20 to £30, each of them.

571. About £150?—That is my impression, sir.

Chairman.

572. That is as regards the large and more or less valuable portions of the river?—Yes. With regard to the small portions in the upper reaches of salmon rivers and their tributaries, especially in the west of the County Cork, nothing has been done with respect to fisheries there. They are exactly in the same position as they were before the change of ownership took place, for this reason, that to any man in whose ownership the fisheries were, unless he had bought both banks of the river, the fishery is a very small place would be commercially valuable, because it is quite obvious that if there is a river that you can throw across the whole way from one side it is perfectly feasible for someone on the other side to send somebody down at six in the morning and fish the whole place from beginning to end.

573. There are some of those small rivers which are not valuable at all, but they are streams up which the salmon can go to spawn?—That would be the case in very small tributaries. I can give instances where there is no salmon fishing in a river, but a great number of salmon go up the river to the higher reaches to spawn.

574. Who protects the salmon, and what are the steps that are taken for the protection of the salmon in those tributaries?—The Boards of Conservators, I think, do what they can having regard to the funds at their disposal. For instance, at Bandon we have a baillif whose duty it is to look after, as well as he can, the spawning beds west of Dunmanway, and above Dunmanway, which is a long way up the river, he gets assistance at particular times of the year by one of the other baillifs at the lower part of the river being sent up to help him. Of course, I do not wish to convey that the protection is at all adequate.

Mr. Justice Ross.

575. What are the duties of the police with respect to spawning beds, or have they any?—The duties of the police are very much what they are allowed to do by the authority for the time being. There are certain matters mentioned in the Fishery Acts which the police are at liberty, if allowed, to assist in.

Mr. Justice Ross—continued.

576. In what cases are they allowed to prosecute?—Any person at all can prosecute under the Fishery Acts, and every prosecution under the Fishery Acts is a prosecution by a Common Informant, and no one else. No one has any particular right to prosecute, and Boards of Conservators have no special right to prosecute. They must prosecute as a Common Informant. I did not bring my book here, but there is a section in one of the Acts of Parliament saying what the police may do. Whether they are allowed to do that or not, of course, very much depends on the officer. It is in the 7th and 8th Victoria, chapter 105, section 2.

577. What page?—Page 113 of Connor; and that sets out fully the different matters which the police are empowered to enforce. I can quite understand that the particular amount of assistance they give must largely vary with the opinion of the officer of the district.

578. That is what I want to know. Do they take a prominent part, and do they look after the most important business of protecting fish spawning?—I have always found personally that wherever the officer is in favour of the police giving assistance to the Conservators, the police themselves are always most anxious and willing to do so. I have always found that, but of course the police cannot do so if it is a thing which, in the opinion of their officer, would interfere with their other duty of keeping the peace, and so forth, and therefore the amount of assistance that they can give in any particular district is somewhat indefinite.

Mr. Justice Ross.

That is wholly unsatisfactory.

Chairman.

579. Perhaps the situation of the policeman, that is, his proximity to the river and to the portion of the tributary to be watched may have something to do with it too?—I dare say it has, sir, and I have always found personally that the police themselves are very anxious and willing to do anything they can to enforce the provisions of the Fishery Acts.

580. As a matter of fact, do they on the Bandon river?—They do; they give assistance in any way they can; but sometimes more than at other times. It depends very much on the officer.

581. In some cases they are fishermen themselves?—I personally always try to encourage them to be fishermen themselves, and many of them are.

Mr. Justice Ross.

582. But they may do nothing, even though some of the most open and glaring offences are committed and great injury done to the salmon spawning?—They need not do anything if the officer does not like.

583. Is not that very unsatisfactory in dealing with the case of a source of great national wealth?—Well, I was always of opinion that it is a misfortune of the fisheries that there was not some distinct regulations published both as to the Constabulary and the Conservatory, who are put on a level in the Fishery Acts, directing them as to their duties in regard to them.

584. But according to you it now depends on the whim of the officer?—Well, I do not like to put it so far as that, because there may be regulations directing the officer as to his duties. I think there are Constabulary regulations directing the officer as to his duties, and it would be quite obvious that the energy of subordination will be always pointed in the direction in which they think they will get more credit from the man over them. If a particular sergeant thinks that he will get more credit from his officer for staying in some place watching some public-house to see if somebody goes in after eleven than for watching the bank of a river he will do that and not watch the river.

Mr. Green.

585. Is not watching a public-house one of the prime duties of the police?—I pronounce no opinion as to that.

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Mr. H. D. CONNOR, K.C.—continued.

[DUBLIN.]

Mr. Justice Ross.

Mr. Green.

593. Is not the protection of the spawning beds a matter of national importance?—I think the protection of spawning beds is the matter of most importance in the whole of the Fishery Acts—the protection of the spawning beds, and I would add to that the prevention of the destruction of old fish of all kinds, as kelt, for it is my opinion that where you find heavy fish in a river it is by reason of kelt having gone down and returned to the same river heavier fish.

594. Is that proved?—I should imagine that there is no doubt that you can never get a fish of 30 or 40 pounds without that fish having been down to the sea at least once, and probably twice. A fish never goes down to the sea to return at 30 or 40 pounds weight the first time, I should think. I do not know absolutely, but as far as I know it is, as a general rule, the second or third time.

595. I am afraid there is nothing accepted about that?—Well, I do not know, but I imagine it.

596. But you are clear as to the necessity for protecting the spawning beds by all means possible?—Of course. There is no question that that is the most important part of the whole matter.

Chairman.

597. Do you think that up to the present time any substantial change in the state of the fisheries has been caused by the change of proprietorship in the south of Ireland?—As far as I know, no such substantial change has actually taken place, except where fisheries are of greater value and where there is greater interest displayed by the tenants, which results on local bodies and on the opinion of the country.

Mr. Justice Ross.

598. So far as the protection of the fish goes there has been an improvement?—I should say if anything there has been an improvement.

Chairman.

599. That is where the tenants' interest has been excited by the transfer of the property to them?—Quite so.

600. Now, as regards tenant proprietors who are anxious to take an unfair advantage of their neighbours and ruin the fishery in the upper waters, have you any suggestion to make as to what should be done there?—I think some legislation or provision of some kind should be brought in regulating the use of nets in fresh water. Up to the present time, where the fisheries have been in the hands of the landlords, netting in fresh water in most places has been very little or nothing at all, either through carelessness or because of the fact that they did not like to injure the sport of their neighbours, but it is quite obvious that where tenant purchasers acquire land on rivers where netting can be profitably carried on, there will be a tremendous inducement to any poor tenant proprietor to net the river opposite his own holding if he can possibly do so. Of course, it is a very much more selfish way of using the river than using it for angling, because the only person who profits by it is one private individual who is able, and of course has family, to net the river every day, and that might in dry seasons or by continuous netting do very serious injury to his neighbours both above and also below, and I do not think that where that has not been carried on up to the present it ought to be permitted now to begin, that is, netting in fresh water.

601. And as regards the general subject of netting in fresh water, do you think it should be limited or prevented as far as possible?—Well, sir, of course there are portions of the fresh water in which netting has been carried on for a very long time now, and I am bound to assume, I suppose, that if it had been injurious to the fishery it would have been prohibited by law. At the same time, I personally think that in the majority of rivers the chances are that any netting in the fresh water is likely to be very injurious to it.

602. Does any netting go on in the fresh water of the Bandon river?—None. I may say, too, that in the Bandon river my family and Mr. Longfield cleared out every fixed engine on the river by inducing them for obstruction to navigation, and their weeds also. We completely shelled all, both the fixed engines and the weeds there too. That is the case of Begonia v. Hayes. We cleared out the stable nets on the Bandon river by inducing them for obstructing the navigation, before the Inspectors came in at all.

Chairman.

603. And have you found as a result that the red fishing has been very much improved on the Bandon river?—The red fishing on the Bandon is good, for such a small river as it is.

604. Are portions of it left?—Portions of it are left. The portion about Inchisheen which is above the tide-way, fresh water as distinct from the tidal, has one side of it usually let every year, so is also the other side sometimes.

605. Is the rent good?—No, not very high. It varies. The average rents have been better of late years.

606. I suppose you have some rough statistics as to the number of salmon caught in the Bandon river?—I have no statistics as to the whole number of salmon caught in the Bandon, and I do not think it is possible to get it. You can get what is caught in the tide-way by the railway returns from the stations at Upton and Bandon, but it would not be possible to get any return of the number of fish caught in the fresh waters.

607. Now, in your own stretch of water?—In my own stretch of water the average for the last five years has been about 100, in the four months, March, April, May and June.

608. About 100 fish?—100 spring fish.

Mr. Gwynn.

609. Have you caught any grilse?—Of late years very few. I dare say 15 or 20, perhaps.

Mr. Justice Ross.

610. From the point of view of the production of quantities of fish, as distinguished from the interests of the proprietors, don't you think that it would be a good thing if nets in fresh waters were abolished altogether, and are they not very uneconomical having regard to the production of plenty of fish?—My view is, my lord, that *prima facie* netting in fresh water should not be allowed, and that if there are places in which it is permitted to net in fresh waters that should be by order of the Department's Inspectors, that is to say, that instead of throwing the onus on any objector, that is, the Fishery Conservators, the onus should be thrown on the man who wants to net, because it is unsatisfactory at present, for if you want to stop a man netting in a place where it would obviously injure the river, somebody has to take upon himself the cost of applying for a by-law and appearing before the Inspectors, and perhaps fighting an appeal before the Privy Council, and so forth, and of course that is rather hard on the private objector, and I think it is also rather hard on the Board of Conservators. I think the onus should be thrown on anyone who wants to net in fresh water of showing that that is a place where the netting can be carried on without injury to the river. But I should like to say this, that I do not consider myself competent to speak in respect of large rivers, such as the Shannon and other large waters, because I have not had them under my personal observation, and therefore I do not like to say anything about them. I speak of rivers about the size of the Bandon and Lee, and rivers of that class. I certainly think that no netting ought to be permitted in fresh waters unless it is clearly shown to the Inspector that such netting can be carried on without damage to the fishing generally.

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MR. H. D. COCKER, K.C.—continued.

[DUBLIN.]

Mr. Green.

607. You say there is none going on in the fresh water of the Bandon?—No.

608. Or in the Lee?—I do not think there is any, but I should like to observe, sir, that it might commence.

Chairman.

609. Perhaps you would tell us something about the estuary of the Bandon?—Well, the Bandon flows into Kinalee Harbour.

610. Do you know the point at which the mouth of the river is fixed?—I think I do, sir. It is just at the mouth of Kinalee Harbour. The map shows it, I think.

611. How is fishing carried on in the estuary?—They carry on fishing with drift nets only. I doubt if they carry on any drift net fishing in the estuary.

612. So far as the Bandon goes there is nothing to prevent them coming in from the sea?—There is nothing to prevent them except that there are occasionally illegal drift nets put out in Kinalee Harbour, and it requires some care on the part of the Conservators to see that they are not put there.

613. In the harbour?—In the harbour.

Mr. Justice Ross.

614. They are prohibited in the harbour by by-laws?—I think so, my lord. They are not permitted above a quarter of a mile below Skinklin Bridge, and I think there are also regulations as to the drift nets in Kinalee Harbour.

Mr. Green.

615. They are prohibited, I believe?—Yes, there is a by-law of the 16th of February, 1877, prohibiting the use of drift nets for salmon or trout in the tidal waters of the Bandon river inside a line from Skinklin Point to Brigham Point. That is practically down the harbour some way.

Mr. Justice Ross.

616. Have you thought much over this question of drift netting and the enormous increase in the use of the nets, as to the effect of that on fishing generally?—Well, I am not sufficiently an expert in that. I have had no personal experience of that. That is principally round the north and west coasts of Ireland. My own impression would be that if you had the inland waters protected, and their upper waters properly protected, there would be a sufficient supply of salmon to counteract the injury of drift nets outside. But it would be impossible for me to give an opinion as to drift nets.

617. Are you troubled with pike at all?—Not at all. There are no pike in the Bandon. In the Lee there are—in the lakes of Loughs, which of course affect the trout fishing a great deal, and also they eat salmon fry very much. There are lakes in the Loughs district in which there are no pike. I attach great importance to the trout fishery in the upper reaches of the Bandon and other rivers. Anything that destroys salmon, such as poisoning and so forth, will destroy the trout. The trout fishery of these streams should be very valuable indeed.

Chairman.

618. Do they run to a good size?—They run to a size to give very good sport, though the fishing is not as good as in the chalk streams of England, but they are caught up to half a pound, and so forth. In the Bandon there are some rather large.

Mr. Wrench.

619. And in these any poisoning of fish in the Bandon?—Of late years there has been very little poisoning except in the tributaries. In the small tributaries they generally do poison them. The farmers' boys poison the trout and as odd salmon that runs up, but in the main river there has been very little poisoning in recent years. I should like to explain this. Whenever a river is taken any care of at all there will be no poisoning, because it takes three or four hours before they can take out the fish after they would be poisoned, and they do not poison them for malevolence, but for the purpose of capturing the

Mr. Wrench—continued.

fish and selling them, and therefore if the river is watched at all they cannot do it, because they know that the news of the poisoning will be brought and the keeper will be there to prevent them getting out the fish.

620. What do they poison them with?—With a stuff called sparge, and when after a river is poisoned you see the fish rushing about. They tear about the water. So far as I know it works this way. It irritates the mucous membrane, and the fish rush all about, this way and that way, till it kills them.

621. It does not discolour the water?—No, I am sure.

622. Sprigs in a weed?—A weed that grows in woods or a reed, and generally near a river. The usual method is to chop it up in a farm machine or any machine that will cut it up, and then to press it and squeeze the juice out of it and put the juice in a bottle, or, as the men used to do, to cut it up into small pieces and to put it into bags and place the bags at the head of a pool and then squeeze the juice out of it, and it affects the river for a very long way.

Mr. Green.

623. Did not they prescribe that at Ballyvourney in the head waters of the Lee?—Yes, they did, in the head waters and small streams.

Mr. Gayan.

624. Do any of the proprietors interest themselves to stop the poisoning at all?—Well, it is, of course, difficult to say as to particular persons actually interesting themselves, but I have reason to believe that they object to it strongly and do their best.

625. Do they employ all the means that might be at their disposal to stop it?—I do not think one has had experience long enough to be able to say it yet.

626. How long have these tenant purchases been letting the fishing?—About four years.

Mr. Justice Ross.

627. Have there been any claims under the Malicious Injuries Act for poisoning rivers?—There have been no claims under the Malicious Injuries Act for poisoning of rivers, except one in Kerry at the last Kerry Assizes, which came before the Lord Chief Baron.

Mr. Wrench.

628. Do you know how the rents that these tenants now receive for the fishing compare with the rents got for the fishing before purchase was carried out?—I think the rents have been raised. I think the rents that they get are larger than the landlord got before. I know that they are very much larger. I should say three times larger, but the landlord who owned the fishery got, but my impression is that that would not give a fair idea, for I think his leases sub-let again.

Mr. Gayan.

629. Generally, is not the fishing rent a rising quantity?—I should say so, sir, wherever you can get good angling.

Chairman.

630. Is there an example or any portion of the Bandon river where the tenants have combined to act collectively for the purpose of preservation?—No, sir, not that I am aware of.

631. It would be manifestly to their interest as some of the upper portions of the river, would it not?—Oh, it would be very much to their interest in some of the upper portions of the river Bandon. They would be of considerable value if one had both sides and they were properly preserved.

632. There has not been any move in that direction?—Not yet, sir.

633. Do you think that it will come about, and that they will see it is a profitable investment?—Well, I think they would if it was properly put before them, but they are very suspicious naturally, one of another, and I think there would be a great deal of difficulty in getting them to do so; but I think if the matter was taken up, possibly by a Government department, and was put before them it is possible that something might be done in that direction.

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MR. H. D. CONNER, K.C.—continued.

[DUBLIN.]

Mr. Green.

634. There is one combination that seems to be quite necessary, and that is between the man on the north bank of the river and the man opposite him on the south bank?—That is absolutely necessary.

635. You say that combination is essential?—Essential to anything being done, and, of course, if a man has only a small river frontage he can do nothing without getting the man on each side of him.

Mr. Guyon.

636. Are those men whom you spoke of on the Lee all on one side?—They are all on one side, sir, but the river is pretty large there, even so high up as that, and the fishery on each side is substantial. It is preserved on the other side also.

637. You would agree, Mr. Conner, would you not, that, on the whole, the tenant purchasers, where they acquire the fishing rights, have got hold of an amount of river value?—There is no doubt, sir, about that; no doubt at all.

638. That is to say, in proportion to the fishing facilities in Ireland become more known and as hotel accommodation developed?—Quite so.

639. The tenant purchasers might in a good many cases let their fishing rights for what would almost pay their land annuities?—In some cases no doubt they could, and I think in many cases they could at all events pay the rates. I think the value of trout fishing ought not to be left out of consideration at all. I think in those small streams where there is salmon fishing, like the tributaries, the trout fishing might be quite valuable. It might not be as valuable as the salmon fishing, but it would be valuable.

Mr. Justice Ross.

640. It would bring plenty of people?—It would bring plenty of people.

Mr. Guyon.

641. In my county, Donegal, we have got many cases where the owner of a hotel made trout fishing from the surrounding tenant purchasers. Does that

Mr. Guyon—continued.

occur with you at all?—It occurs at Macroom. There is a hotel proprietor at Macroom, called Williams, who owns a considerable amount of fishery, principally salmon, I think.

642. And, of course, trout fishing would naturally help in the same direction?—Yes, sir. As far as the Brandon is concerned, I think the upper part beyond Dumanway is of considerable importance as regards the spawning grounds, and so forth. As regards farmers combining, perhaps I might say that I am interested in an association called The Irish Salmon and Trout Fishing Association, of which Mr. Maguire is the secretary, and which he and I rather originated some years ago, and that association has tried to see whether in some places where the fisheries are now valueless the occupiers would not agree to see what could be done with them for five years for the sake of making what they could out of them afterwards. As regards some small rivers we have been able to do so, but I do not want to give particulars of that, because I am sure Mr. Maguire will be examined and he will tell you what has been done. Our idea was to get the occupiers on each side of these small rivers to join together, and for a period of five years or some other small period put the river into the hands of some body who would preserve it with a view to seeing what improvements could be made in the same time, and something, I think, of the same kind by a Government department could be done on, I think, a larger scale. I may say this, that farmers are, I think, very willing to listen to Government officials who, they think, have got no interest one way or the other, but when a private person goes about it they think he is interested in it and is doing something for himself. I have found farmers very willing to listen to land purchase matters when they are put before them by Inspectors and other gentlemen of good class, and who, the farmers think, give them good advice; and I think they would be very willing men if they reasonably saw that it was their interest to combine in preserving the rivers and letting the fishings. I really think that in many cases they might be induced to do so.

The Committee adjourned.

THIRD PUBLIC SITTING.

THURSDAY, 11TH MAY, 1911,

AT 10 A.M.

At the Courthouse, Cork.

PRESENT:

THE RIGHT HON. SIR DAVID HARRELL, K.C.B., K.C.V.O. (Chairman).

MR. W. L. CALDERWOOD, F.R.S.E.

MR. W. S. GREEN, C.B.

MR. R. H. LEE, Secretary.

CHAMBER.

Chairman—continued.

Before asking witnesses to give us the benefit of their evidence it may be convenient to say a few words as regards the objects and scope of our inquiries. This Committee has been formed "to inquire into the effect which changes in the ownership of land in Ireland under the Land Acts have had or may be expected to have on the fisheries of the country, and on particular on the salmon fishing industry, and to make recommendations as to what steps, if any, it may be desirable in the circumstances for the State to adopt in the interests of Irish fisheries." In the discharge of our duties we desire to have the opinions of representative persons of all those concerned, owners and fishermen. The problem is somewhat difficult. An ideal state of things would be the unification and recognition of the various interests in rivers from their sources to the sea. We hope to inquire into the local circumstances of a number of rivers, particularly into those in which

fishing rights have passed to occupying tenants under the Land Purchase Acts. The exercise of these rights on sound economic principles is a matter of great importance to these owners as well as to the public generally. Moreover, the benefits of profitable organisation by, or on behalf of, purchasing tenants are bound to reflect favourably on all other interests in salmon and trout rivers. In this matter, where owners are so interdependent, the best interests of the individual are inseparably connected with the policy of the greatest good to the greatest number. The salmon and trout fisheries of Ireland are a great national asset, and it should be the study and effort of all not only to maintain but to develop them. We received some evidence of a general character in Dublin, and we look forward to receiving much valuable information from those acquainted with the circumstances of the Lee and Brandon Rivers, which may be taken as typical.

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Alderman HENRY DALL, J.P., examined.

[Cont.]

Chairman.

643. You are an alderman of the city of Cork, Mr. Dall?—Yes.

644. I believe that not only as a fisherman, but as one of the fishery conservators of this district, you have been deeply interested in fishing for many years?—I have. I have been a conservator for over 30 years.

645. Have you had any experience of a change in fishery conditions on the river Lee since any of the properties on the bank of that river have passed from the landlords to the occupying tenants?—No; I have not had any opportunity of judging of that. In fact, I have not fished for some years past.

646. Would you give us the benefit of your opinion as to what may probably be the result in the event of occupying tenants who hold small portions of the banks of the river exercising their fishing rights individually as riparian proprietors?—I am of opinion that the change ought to prove beneficial, inasmuch as it will spread the interest in the fisheries over a larger area. If there are more people interested in the preservation of the fish I think the fishery of the river generally will be improved, especially if they can be got to work together, and to make joint efforts for the general good. When once a tenant who has purchased the fishing rights realises the fact that it is a valuable part of his property, and that it is his interest to join in a general effort for the preservation of the fish, I think he will gradually fall into line with others who are endeavouring to prevent the destruction of this very valuable national asset, as you say, very properly called it in your opening remarks.

647. Now, does it not appear to you that the taking of any step which would demonstrate to occupying tenants the probable future value to them of these fishing rights is a matter of great importance at present?—Yes; I should say so.

648. Could the Boards of Conservators, as at present constituted, assist in that way?—Well, I presume they could; but, as at present constituted, of course the Board of Conservators consists of ex-officio members and elected members. On the river Lee, here, we have three members elected by the net fishermen, three by the rod anglers, and an unlimited number, as to speak, of ex-officio members.

649. An ex-officio member is, I understand, a Justice of the Peace who resides on property, a portion of which is on the bank of the river?—Well, not exactly on the river, but lands abutting on any water.

650. You mean any tributary of the river?—Any tributary or lake within the district. Mr. Green will correct me if I am wrong in that. As I understand it, any person owning land abutting on water, whether it be river or lake, within the district, who is a Justice of the Peace, has a right to sit as an ex-officio member if he takes out a licence.

651. I was going to refer to that other condition which you have mentioned, that is, the taking out a licence; but when you speak of a lake, must not that lake communicate somehow or other with a river?—I fancy not.

652. You say not?—I may be wrong in my interpretation.

653. But have Conservators jurisdiction over lakes?—I suppose they would, over trout lakes.

654. Now you were going on to say something as to the constitution of the Boards of Conservators?—Well, it has occurred to me that if there was some way of enlarging the number of elected Conservators on some proper basis, that might possibly make more people interested in the work of preservation.

655. The Conservators are at present elected by the license-holders?—Yes.

656. And is there a limitation of their number?—Yes, there are three elected for the fresh water part and three for the tidal.

657. That is on the Lee?—On the Lee, yes.

658. I suppose in the various districts there are different numbers and different rules?—I believe so.

659. Then I gather from you that the elected members are quite represented by the ex-officio members?—They may be.

660. And have you experienced difficulty in that way in the case of the Lee?—Well, I can scarcely say difficulty, but sometimes it may happen that men who are really working steadily in the interests of the

Chairman—continued.

river find themselves overborne by the votes of men who happen to come in because there is something up.

661. Now, before I ask you for any suggestion as to what we may call a reform of this, will you tell me what is the revenue of the Conservators of the Lee, and how is it derived?—Well, our total income last year was £235. That was made up of £134 for licences; £102 in subscriptions from local people interested, £123 which we got from rates, dues, &c.; and then, in addition to that, a grant of £190 which we got from the Department of Agriculture, so that our gross income was £325 lbs. 11s.

662. You say you receive a certain amount as subscriptions?—Yes.

663. Are these voluntary subscriptions from owners of the stretches of the river?—Voluntary subscriptions; and the Department, in making the grant, very properly require that the localities shall subscribe a certain proportionate amount, and make up that amount and help generally. The owners of the fisheries subscribe very fairly; and then we get from another source, that is the net fishermen, some subscriptions also. There is a Net Fishermen's Society in existence here, and it has been so, off and on, for the last 30 years, I think.

664. Is that the Blackrock fishermen?—Yes, and they subscribe to the funds of the Board a contribution of 6d. for each fish they catch. Each fisherman subscribes, and then that money so raised goes into the funds of the Board.

665. Now, you also speak of rates and fines?—What are the rates?—Well, there is a 10 per cent. rate on the Poor Law Valuation, which is a comparatively small amount. I do not remember exactly what it was.

666. On the Poor Law Valuation of the fisheries?—On the Poor Law Valuation of the fisheries; and the rating has been always at 10 per cent., but it does not realise very much, inasmuch as the valuation for Poor Law purposes is far below the value of the fisheries.

667. Are these rates collected in the ordinary way of Poor Rates?—No; they are collected by the Board of Conservators.

668. Then, although the assessment is on the Poor Law Valuation, the collection is by you?—Yes.

669. Is this collection of the 10 per cent. a pretty thorough one—do you get it all?—Well, nearly all. Of course there are sometimes delays and defaults in payment, but the amounts are so very small, as a rule, that it does not make any material difference in our income if we are a little short in it.

670. That is, I suppose, where the collection is from a small tenant?—Yes.

671. Is there any difficulty about getting it, or do they demand at all about paying that rate?—They do. I think they demand, as a rule, to pay anything that can be avoided.

672. They do not see that there is any special value obtained?—No, I do not think they do.

673. Particularly those who live on the upper stretches of the river, that are not fishing parts of the river at all?—Quite so.

674. Before we get away from that, Mr. Dall, would you give us the benefit of your suggestions as to any changes in the Conservators?—Well, I have really scarcely formed any definite opinion, but it did occur to me that if the seats of property could be represented by a certain elected number on the Board, instead of the merely ex-officio representation that now exists, it might have a better effect. The difficulty would be as to how the franchise should be extended.

675. In fact, I take it to be your suggestion that you should get rid of the ex-officio element altogether, and substitute an elective one?—Well, there are a number of ex-officio members who assist materially in carrying on the work, and I think it would be well if some means could be found by which such members, having an interest in the matter, could be elected instead of being merely ex-officio, and then, perhaps, if we got rid of a number who really do not take any interest in it.

676. Well, of course, the establishment of a franchise would be rather difficult, would it not?—Yes, I fear it would.

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ALDERMAN HENRY DALE, A.P.—continued.

[Cont.]

Chairman—continued.

677. And unless it was made proportionate to the payment of sale, you might possibly not get the most useful men?—Oh, it is a very difficult matter to form any definite opinion on.

678. But you think you would not go further than that at present?—Well, that was the only thing that suggested itself to me.

679. Well, now you have told us that, of course, the value of the interest of tenant purchasers in their fishing rights depends much upon their continuing to make them valuable?—Certainly.

680. I presume that if every man fished opposite his own land in any way that he thought proper, that would not tend to the advantage of the river?—I think so, where the holdings are small.

681. Now, on the subject of preservation, Mr. Dale, do you find a difficulty on the Lee in preserving?—There is a difficulty, principally for want of sufficient funds. I should think that the length of the Lee and its tributaries, up which salmon run to a certain extent, would amount to nearly 200 miles, perhaps, and, in addition, there is a length of about 90 miles of tidal water to be also watched.

682. The amount of revenue that you have just named as derivable from rates appears proportionately very small, when you consider that it is 10 per cent. on the valuation of 200 miles of river, for it appears to me that such a length, if it is of any value at all, ought to produce a much larger sum?—Well, it does not. Of course that 10 per cent. is not levied on the tributaries. I speak now only from memory, but I think it is only on the main river that we collect the 10 per cent., but then I should say that, as far as the Lee is concerned, that portion of revenue which comes in under the head of subscriptions is made up by a certain friendly levy imposed on owners of fisheries some years ago when we were quite short of funds, and it was suggested that each owner of a fishery should consent to an assessment on a percentage of the letting value of the fishery, and then most of them did agree to that.

683. And is that method being continued?—Yes.

684. So in fact that is a sort of voluntary assessment?—Yes. They left it in the hands of some members of the Board to make the assessment, and, as a rule, the proprietors agreed to it, and paid the percentage.

685. Is an informal way that really constituted the Conservators' administrators of the affairs of the river?—To a certain extent, yes.

686. Have you thought that that might be pushed a little further, and that instead of being quasi-administrators they might be made the actual administrators for the purpose of levy?—If that could be done I think it would be a very good thing. I think it is one of the simplest ways of raising funds.

687. And, after all, the preservation of the river depends on funds?—Yes, and then the value of the fisheries depends on the preservation.

688. The value of the fisheries depends on the preservation, and, of course, the ability to pay the assessment depends on the value of the fishery?—Yes.

689. So you get up from the bottom to the top in that way in the order of gradation?—Yes. If it was not unduly trespassing on your time, I should like to mention what we did some years ago on the Lee. About 40 years ago, at a little over 40, the affairs of the river had fallen to a very low ebb indeed, and the proprietors at that time did not generally let their fisheries or do anything with them, but merely fish them themselves, and it had come to such a point that it was a party almost to get any fish at all, and some of us living here in town, who were not proprietors, but who were anglers, thought that we might, by some co-operative method, get the benefit of a little fishing for ourselves, and, at the same time, improve the fishery of the river generally. In fact, that it would be a mutual benefit. The result was that we formed what was known then as the Cork Anglers' Club, and each proprietor, with very few exceptions, agreed to open his fishery to the members of the Club one day in the week. We divided the river then into two sections, so that there were two days on which members of this Anglers' Club could fish, each section being very long, stretching perhaps to a length of 15, 20, or 25 miles. Each proprietor, by that means, submitted to the disadvantage, if it may be considered as, of having

Chairman—continued.

his water open to strangers one day in the week, but it worked out very well, and in ten years, that is between 1870, when we started the club, and 1880, the Anglers' Club paid for the general preservation of the river over £1,000.

690. In ten years?—In ten years, besides the amount they contributed through the extra number of houses taken out, and the opportunity was availed of very largely by men residing in the city, and by officers of the navy or army who were passing through or staying a short time. The club was worked principally on our yearly subscription, and that subscription varied in different years from £3 to £4. And then, of course, every member had to take a licence, which swelled the funds of the Board. At the beginning of the club's existence, in 1870, we proved to demonstration, after we had been working a while, that the bad fish then existing were all in league with the poachers, so we got a good head man and purged the bad element out of the staff, and, at the end of the ten years, waters which had been let for £9 or £10 a year to anglers were bringing £30 or £40, and so on in proportion. There were some valuable stretches of the river which would certainly have been let for £30 or £40 at the beginning of the period, that were bringing £150 or £180. However, unfortunately, some proprietors thought they were giving away too valuable a right in allowing an open day, and they let their fisheries without reserving an open day to the Anglers' Club, with the natural result that the club was broken up.

691. How long ago was that?—The club was started in 1870, and was broken up about 1880, and, as I say, at the beginning of that period it was a rarity for anyone to get more than one spring fish after a day's fishing, but before the end of it, it was nothing uncommon for anyone, a member of the club or otherwise, to have five or six fish in his possession.

692. Then has the value of the river gone down again since 1880, or has it maintained its value since the club was broken up?—Well, I should mention that a few years after 1880 it was going down decidedly, and then an effort was made to re-start the club, and it was re-started, though not with the same vigour, but still sufficiently well to prevent the river deteriorating much, and fishing rights began to get more valuable, and the Board of Conservators got a little more active, so that to-day, perhaps, the river is nearly, if not quite, as valuable as it was in 1880.

693. Now, Mr. Dale, your observations, so far, have applied to the fishable portion of the river?—Yes.

694. But I would ask you now to consider the question of the two ends, that is to say, the sea end and the source, that is the tributaries, where the spawning beds are. Much of the watching, of course, is done at the spawning season?—Yes.

695. Now, with regard to making any assessment, in the administration of the affairs of the river, of course the men who have land on the banks of those tributaries derive no benefit from the fishing?—No.

696. Would you ask them to contribute, or, if you did, have you anything in your mind by way of a proposal to recompense them, or to arrange that they should derive some advantage?—I don't think that they could be fairly expected to contribute.

697. Then that is a matter that you would leave to the administrative body, whatever it might be?—Yes.

698. Then, as to the sea, of course salmon have to get in from the sea, or else there is no spawning. How are matters at present in the tidal stretches of the river?—Well, there is only one fishery, properly speaking, in the harbour at present, that is bag net-fishing, of course, other fishing is done by drift nets. That is the common right of fishing all up the tideway.

699. That is the Blackrock fishing that you speak of?—Yes.

700. They pay a licence, of course?—They pay a licence of £3.

701. And is their season deteriorating?—They begin at the same time as rods, the 1st of February, and they end some time in August. I am not quite sure as to the time.

702. Then there is a weekly close time?—A weekly close time, Saturday morning till Monday morning.

703. Well, the Blackrock men fish in a very public place, and I presume they do not work at all during

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Alderman Henry Dale, J.P.—continued.

[Cont.]

Chairman—continued.

the close season?—Well, I am afraid they sometimes do. However, they are observing it very much better than they used.

704. They are?—Yes. Since the formation of this society it has been working very well with the Board, and they observe the law much better than they used.

706. Of course they do not contribute to you for the purpose of watching themselves?—No; their chief motive is to watch the drift nets.

706. That is lower down?—Yes, further down.

707. Lower down are they illegal?—They are illegal in the harbour, yes.

708. Well, I suppose that was put an end to, and they could not carry on that in the face of the Conservators?—Well, we seized last year considerably over a hundred drift nets.

709. Did they pay licence to you?—Oh no, it was illegal.

710. They paid no licence to anyone?—No licence to anyone.

711. Even if they were out at sea would they have to pay licence?—There are some of them paying it for the purpose of fishing outside.

712. That is outside altogether?—Outside Roche's Point, where the lighthouse is.

713. Then this drift-net fishing in the harbour is quite illegal, and ought to be suppressed?—It is illegal, and we try to suppress it.

714. I hope you look forward to succeeding?—If we had a larger revenue we might do a great deal more.

715. But you refer to that as an important element?—Very important.

716. An important element in this question of the propriety of the fishing of the Lee?—Yes. Some years ago the coastguards were allowed to assist in the preservation of the fisheries or the enforcement of the fishery laws, and they used to check this drift-net fishing, and there were two or three coastguard stations in the harbour; but for some reason the Admiralty decided that they would not allow them to continue to do so, and although several efforts were made by deputations to the Admiralty and otherwise to try to get them to alter that decision, it was without effect, and they do not allow the coastguards now to do anything more than inform us when they have seen any poaching going on. For instance, if they see a boat poaching to-day they write to our Secretary, and we get the information to-morrow.

717. Well, now, outside altogether, in the sea, have you anything to say to drift nets there?—No; I have no knowledge of that.

718. You think that has not an appreciable effect upon the run of the salmon into the river?—Well, no. I have no reason to suppose it would.

719. Are there very many licensed drift nets at sea?—This year there are about eight or ten nets.

720. What is the length of the drift nets?—Well, they run to 400 yards or more.

721. We have heard of some reaching to 1,200 or 1,500 yards?—Well, if they were made to be used in the sea I have no doubt that they would make them much longer.

722. But they are not too long?—We have seized them up to 800 yards, I think, inside.

723. Now, have you anything to say, Mr. Dale, about the issue of licences for red fishing?—Well, while we are on that question of preservation, I should just like to say, with regard to spawning fish in the tributaries, that I think the most important assistance that could be given in protecting the spawning fish, which is, of course, the parent of the future fish, would be, if it were made a more definite part, at least, of the Constabulary's duties to watch the spawning fish in the winter. At present, I should say, we have no reason to complain of what they do, for they have been very useful indeed in helping to enforce the fishery laws. At present, as far as I can gather, it is only permissive, or optional, with them, but I think it ought to be made an obligatory duty of the Constabulary to watch the spawning fish.

724. As far as I understand, it is, I think, scarcely an optional duty. I think they regard this as portion of their duty, so long as it does not interfere with their more imperative duties?—Well, I think it ought to be made their imperative duty, because, really, when we consider the vast importance of the fishing

Chairman—continued.

industry, from the point of view of the food supply of the country, if nothing else, it is a most important public industry. And then, again, good fishing, if it could be obtained, would induce a great number of anglers and tourists and other people to come here who would spend money in the country, and benefit the country at large.

725. Then you would treat the Constabulary as valuable auxiliaries, but you would not regard them as under an obligation to take the place of the bailiffs?—Oh no, certainly not.

726. You see the watching of the spawning fish means night watching. The bailiffs watch at night?—Yes.

727. Of course you could not expect the Constabulary to do that, but only that they would give their assistance to the bailiffs there?—Yes, if we had funds we should have to put a large staff of bailiffs on permanently who would be practically acquainted with the district, and be able to protect the fish properly, but at present, with the comparatively small income that we have, we have every year to employ a lot of new hands, and perhaps after a time they find something else more profitable, and they do not give that attention to it that they would if they had more permanent employment.

728. Is it local men who are employed?—Local men principally. Then, if we had a large staff of bailiffs, we could, in each sub-district as I may call it, put one bailiff, or perhaps two, and then, if the police were ready to assist them, they could give information and arrange with the police, and then, very often, they would be able to make a raid on the poachers, which they cannot do now.

729. Then they would be, as I say, auxiliaries to your bailiffs?—Yes.

730. And a support to them?—Yes. The police have a much more deterrent effect on the poachers, I need not say, than mere bailiffs.

731. As regards fines, they do not appear to be very large. You said you had a number of prosecutions. Have you anything to tell us about that?—Well, of course, we got last year some £60 or £70, I think, in fines. That is not very large, but a great many of the poachers take the alternative of going to prison, and others, that are fined heavily and cannot pay, disappear altogether. Then we give a portion of the fines to the Constabulary. They get half the fines in cases in which they are interested.

732. In which they prosecute?—In which they prosecute; or, we give it in cases in which they are the means of prosecution.

733. In which they are witnesses?—If they helped in the thing. We try to encourage them in that way to take an interest in the matter.

734. I should like to know what methods are adopted by the poachers, what are the popular methods of poaching—is it gaffing and lights at night?—Yes, that is in the spawning season.

735. And netting?—And they use poison. They use a plant called spurge to poison the river.

736. And lime?—Yes, lime—and dynamite.

737. Dynamite?—Yes. That is one of the latest additions to their armory. And lately now every person is entitled to have dynamite in his possession since the repeal of an Act which obliged them to have a permit from a Resident Magistrate in order to have dynamite. That unfortunately has been repealed, with the result that dynamite is always in the country now, and they find it a very convenient means of killing the fish when they know they are there.

738. The penalty is heavy for all those offences?—Yes, but not so heavy as it ought to be, I think, especially for poisoning and dynamite. I think the punishment ought to be imprisonment where those crimes are committed.

739. You need without option of fine?—I should say so.

740. What was the great inducement for the destruction of spawning fish, for surely they are out of season and they are not good food?—They eat them, they salt them, and in some cases smoke them, I think, and keep them.

741. For home consumption?—Yes.

742. Of course, in the season if fish are destroyed by lime or dynamite they are saleable?—Yes. Well,

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Alderman HENRY DALE, J.P.—continued.

[Cont.]

Chairman—continued.

if they are destroyed by lime they sometimes show the sign of it, which makes them rather unsaleable.

783. But still, but that, they are in condition?—Oh, yes, they are saleable.

784. Is there any other point, Mr. Dale, that you would like to speak upon?—Well, with regard to the raising of money, it seems to me that some public source under the Government ought to contribute a larger sum of money for the use of the fisheries of the country generally. I have no doubt that the sum that the Department have at their disposal they spend in the best way they can, but they certainly are not furnished with sufficient funds. And then, with regard to the local raising of money to supplement what the Government would give, if it were possible for the Board of Conservators to have a rate such as you mentioned some time ago, if it were possible for them to have the power of making an absolute assessment on the letting value of the river, that would produce a very respectable sum; and with respect to the tenant purchasers who have only a small lot of the river, perhaps it would be possible for some system to be arranged by which they would pool their fisheries, and then let them pay a sum which would be a very respectable amount when there would be a number of small fisheries put together, each receiving his proportion of the rent. I think if such a scheme could be worked out it would be a very admirable way to deal with the smaller men.

785. In fact the properties of those tenants depend on their combination?—I think so to a large extent.

786. Well now, when you ask for a Government grant, have you thought that if it is for the entire salmon fisheries of Ireland it would be a large Government grant for each river, a grant that could not be regarded as either educational or reproductive, and that that might be attended with difficulty?—Well, I take it that it would be reproductive by increasing the stock of salmon materially.

787. It would be reproductive to the proprietors, but not to the fund or to the Government?—Well, there is so much of the fishing done under common rights that it would benefit the fishermen, the net men who fish under these common rights, very largely; and of course the proportion of fish killed by nets, I take it, is much greater than what is killed by rods.

788. I am only wishing to suggest to you whether, in the event of a grant, there is any way by which it could be made a reproductive fund, whether, if the value of fish caught by rod and line were largely increased and the rents were largely increased, there might be any way by which the subsidising fund given by the Government could be repaid. I am only suggesting that, because it would be very much easier to go and ask for such a fund if that could be done than it would be to ask for a sum that was to disappear for ever?—Yes, but I have not thought of that aspect of it.

Mr. Cullerwood.

789. I should like to learn from you what the extent of the netting is. You said, I think, that you have one bag net in the estuary, and you have a certain number of drift nets also in the estuary. How many drift nets?—I cannot speak accurately from memory, but I should say about 40.

790. Are there any drift nets in the actual fresh water?—None.

791. And then you have drift nets not only in the estuary but also in the sea. Am I right?—Yes; there are some that fish in the sea. Personally I have no knowledge on that point.

792. But you said, I think, that there are some drift nets that you licensed?—Yes, eight or ten licenses taken out this year, but for 20 years previously, or thereabouts, there had not been any.

793. And do you imagine that there are a good number of others?—Oh, there must be a good number, inasmuch as we seized over 100 at 150 of them last year.

794. Do you know what the mesh of the net is?—The drift net is ten inches all round, I think.

795. Is that the same mesh that is used in other rivers?—I don't know.

796. Then with regard to those tenant purchasers, do you think that so far as their interests go they are

Mr. Cullerwood—continued.

likely to combine at all in asserting the general interests of the river?—I think if once they realised that it was their interest to do so they naturally would.

797. You think they are likely to realise that readily?—Well, I think they will after a short time. Of course, that is only a matter of speculation.

798. The extent of each man's fishing, I suppose, is comparatively small?—Of course some of them are very small. There are not very many on the Lee, as far as I can ascertain, who have license purchasers yet. There are some few, but I have heard that there will be more as fisheries fall in, and that at the death of owners who have reserved the fishing rights during their lives the tenants will get the fishery.

799. Will take over those fishing rights?—Yes.

800. So that in the future the number of cases of fishing rights held by tenant purchasers would be very much larger than at present?—I fancy so.

801. Then have any of the present tenant holders been exercising their rights to any great extent?—Oh, they have let some of their fishings.

802. But do they exercise their own rights, do they fish themselves to any extent?—Well, I am not in a position to answer that. You will have other witnesses who know more about that.

803. But you say that a number of them are letting their rights?—Yes.

804. Is that for angling purposes?—Yes.

805. Only for angling?—Only for angling.

806. Then you have got a revenue of £853?—Well, that was our revenue last year.

807. It varies, of course, from year to year?—Yes.

808. May that be taken as the average income?—It was rather above the average.

809. And that is derived from licenses, from subscriptions, and, as you have told us, from rates and fines paid from a grant by the Department of Agriculture and Technical Instruction?—Yes.

810. And you do not find that income sufficient?—Not sufficient by any means.

811. What does the bulk of that income go in?—Well, there are the bailiffs' wages, a rather large item, and then you have two small salaries, those of the Clerk and Inspector, and expenses of prosecutions, and the maintenance of one of two launches which we have.

812. You have one or two launches?—Yes; we bought one launch this year which works down in the harbour; and we have some row boats also.

813. Then how many bailiffs have you as a rule?—For I gather from you that you have a certain number of superintendents?—Yes, we have only about three or four permanent men.

814. With an Inspector above them?—Yes, and then their number is increased up to a dozen or more during the spring of the year.

815. You do not have to increase the number during the spawning time?—We have a small increase in the spawning time, but we have not the funds to do much.

816. And the launches are manned by those water bailiffs, are they?—Yes; we have a crew of six men, I think, with the head bailiff, who are stationed down as the tide-way during the spawning months.

817. And their principal duty, I take it, is watching the net men?—The illegal drift nets.

818. That is to say, to prevent illegal fishing, and to see that those fishing observe the weekly close time?—Yes.

819. I see that there are two or three smaller districts with rivers also coming into Cork Harbour. Have you done anything by way of amalgamating with other areas?—The rivers coming into Cork Harbour are already under the Cork Board.

820. Have you made any amalgamation with other places?—The Bandon District used to be amalgamated with Cork, but many years ago they separated, and they have a separate government there.

821. They have a separate Board of Conservators?—Yes.

822. How many Conservators have you at present here?—Well, we have six elected, and I do not know how many ex-officio there are.

823. Roughly, what does that amount to?—Perhaps fifteen or sixteen.

824. And you do not find that at all an unwieldy body?—Except that some of them do not come very

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Alderman HENRY DALL, J.P.—continued.

[Cont.]

Mr. Calderwood—continued.

frequently and do not take very much interest in the matter, and some of them do not come at all.

785. So that it practically resolves itself into a comparatively small body who do the work?—Yes. There (handing in a paper) is a list of the attendances of the Board for the past year.

786. And I gather from your remarks that you want to have more powers, you want to enlarge the Board in some way and to have more executive power?—Yes, but I also had in my mind that if the tenant owners, if I may call them so, that is the tenant purchasers, had some voice in the election of members of the Board, they possibly might appreciate it, and it might make them take more interest in the matter.

Chairman.

787. I see here by this paper that there are twenty-one members, and seventeen of them attended once or oftener?—Yes.

788. During the year?—Yes. There was a considerable number that attended only once or twice perhaps.

Mr. Calderwood.

789. Then I think you mentioned a voluntary assessment which you were able to make there. Was that assessment made upon the main river only and upon those who held rights of fishing in the main river—upon their rents?—Yes.

790. And at what rate was that assessment levied?—One year they paid 20 per cent; another year 15, I think. We just made up roughly the sum that it was necessary to raise.

791. Do you think it is possible to enlarge that system?—Well, I fear that except there could be some powers conferred on the Board it would be very difficult.

792. It would need to be a more or less compulsory arrangement?—Yes, I think so.

793. Then I should like to ask you a question with regard to what you said about the Cork Anglers' Club which was instituted in 1870. You told us how the river improved during the ten years of the Club's existence. Did any difference then take place with regard to netting in the estuary, did the Club do anything to reduce the netting in any way?—No, except to suppress illegal netting, but there was a change adopted, inasmuch as there was a strike year at that time, and it was done away with by the owners. They gave it up.

794. I did not quite catch what you said about attempting to revive that club?—It was revived after some years, but not with the same vigour that it originally worked with.

795. You said that the value of the river was now about as good as it was at the end of that period?—Well, I think it is, perhaps. The Club worked on for some eight or ten years, perhaps, and then since that time the Board of Conservators have been more active in their work than they used to be formerly, and apparently there is more co-operation between proprietors.

796. So that they have taken up the work which the Club began?—Yes, to a great extent.

Mr. Green.

797. Have you got any idea as to the letting value of the angling on the Lee as a whole—what is the river worth?—Well, I would only have a very rough idea—possibly £1,500 to £2,000.

798. At present?—Well, if not at present, it will be very shortly.

799. Then are the letting values going up?—Oh, yes, they have gone up considerably within my recollection.

800. Have they been going up within the last two years?—I think so. Some of them, at any rate, have. Of course, fishing rights generally are going up all over the kingdom.

801. Then that is probably owing to the facilities for travelling and staying at places?—Yes.

802. Can you tell me, roughly speaking, how many different lettings there are?—Well, I could scarcely say. I think Mr. Haynes, whom you will have here as a witness, will be able to tell you that better.

803. Have you any calculation as to the value of the total netting of the river?—No, I have not.

Mr. Green—continued.

804. I think at the waterworks weir you have got a good way of judging of the number of young salmon or smelts that come down every year?—Yes.

805. And you have had a large expenditure there of watching the descent of smolts?—Yes.

806. Do you think that is as good as it used to be?—I think it is better.

807. Well, would not that look as if poaching in the upper waters was on the decline?—Oh, well, I think there has been more preservation, you know, although there was also, perhaps, more poaching, but the preservation has resulted in a larger stock of fish, I think, of late years. The river at present is very fully stocked with fish. I understand there has been a very large run of salmon fry down.

808. And that looks well for the future of the fishing or the maintenance of it?—Yes.

809. Have those dynamite people been caught lately?—No, I do not think so. We had, I think, one case last year.

810. Do you think there is good foundation for the rumours that this dynamiting is going on?—Oh, I think so. We have positive evidence, in at least a couple of cases, within the last twelve months or so, that dynamite was used.

811. That is, the fish were found?—The fish were found, as well as I remember, and a person was seen throwing it into another river.

812. I sometimes have come across places where I hear a great deal about dynamite, and yet when I come to check the thing out I find great difficulty in locating any case. But you have positive evidence here that dynamiting does go on?—Oh, I think so. However, you can examine our inspector, Mr. Fisher, and he will be able to give you definite evidence on that.

813. You have had great experience in combining the different fishing interests here at different times?—Yes, in past years.

814. In the fresh-water part of the river there are two classes of people. There are those who have fishings which are worth letting—and those owners are becoming more numerous—and then are people up in the upper waters, on the tributaries, whose fishings are not worth letting?—Yes.

815. But the waters up there are very valuable for spawning. Do you see any way of making those people interested in the general preservation of the river by any combination?—I cannot say that I do. I have not thought of any way.

816. Well, then, would you perhaps suggest that the best way would be to get all those who have fishings that are worth anything to combine for the purpose of preservation of the upper waters?—Yes.

817. Would you trust to bailiffs?—Bailiffs and police.

818. It would be a good thing if you could interest those upper water people?—It would be very good.

819. It is very hard to see how to make it their interest?—I do not see how it could be done.

820. You also said, I think, that it would be a good thing to get some of those small proprietors of fisheries into the Board of Conservators some way or other?—Well, either into it or to have a voice in electing members for it.

821. And you also said that there was a difficulty in fixing upon a franchise?—Yes.

822. Do you think it would be a good franchise that all those who contributed on the 10 per cent rate should be voters to elect three members?—Well, it would be worth considering, but it is a matter that I have not thought of.

823. You have not considered it, but do you think it would give them an interest in paying their 10 per cent rate?—Yes, it would have that effect, I think.

824. And it would show that they had some interest in the matter?—Yes.

Chairman.

825. Just one question. A licence-holder for another river can fish on the Lee?—Yes.

826. A man who takes out a licence, for instance, for the Rhinon, can go and fish on the Lee?—Yes.

827. He takes on your river and he contributes nothing to your revenue?—Yes.

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Alderman HENRY DARR, J.P.—continued.

[Cont.]

Chairman—continued.

829. Have you anything to say with regard to that?—I have often thought that it might be an advantage if the licences were localised.

830. Or centralised. By localised you mean that a man ought to be obliged to take out a licence for every river he fishes in?—Yes, for every district.

831. Every Conservator's District?—Yes, or it might be arranged in districts other than the district under a Board of Conservators.

832. You mean that you would group the districts?—Yes, for instance, a man who was fishing here might fish on the Bandan river also, but of course that would be a matter that would require careful consideration.

833. But you think that it is not quite satisfactory at present that a man who takes out a licence for, perhaps, a Donegal river should be able to fish here without contributing anything to the preservation of the fish?—I think it is unsatisfactory.

834. Just one other question. You were speaking a few minutes ago of the quantity of fish in the river. Now, I was told, whether rightly or not I do not know, that a very short time ago the Blinckrock fishermen had more than 100 salmon in one day in Cork. Do you agree with that?—I think it is quite possible, but I am not in a position to say. I heard that some of them caught over 30 fish in a single haul lately.

MR. HENRY DARR, B.L., examined.

Chairman.

835. You are acquainted, Mr. Darr, with the circumstances of this river, and interested in fishing?—Yes.

836. Have you a portion of the river Leef?—I rent a portion of the river.

837. Is it in the upper reaches or is it close to Cork?—In the upper reaches.

838. May I ask you what the extent of the river is that you rent?—Well, I could not tell you. I think it is, roughly, about a mile.

839. Do you fish it yourself?—Yes.

840. Who is the owner?—A man called Downey.

841. Does he own both sides of the river?—No.

842. And you are only able to fish one bank of the river?—That is so.

843. What is the breadth of the river at that place?—Upon my word, I could not tell you. I am the worst statesman in the world.

844. Can you cast across it?—Parts of it. Oh, yes.

845. I hope you have a friendly angle on the other side?—Oh yes, he casts across to my side.

846. And do you not destroy each other's fish?—No.

847. May I ask what rent you pay for that?—Well, I do not know that I am bound to tell you.

848. Oh, no, you are not. I would not press you?—I do not know that either party would be pleased.

849. Quite so. How many years have you had that?—About ten.

850. Is there any poaching on your portion of the river?—Well, they do not poach when I am there, you know, but there is poaching.

851. Are there any visible signs?—There is poaching everywhere where they get a chance.

852. Above and below?—I think above and below.

853. What is the form of poaching carried on—in it poisoning or gilling?—You are, poisoning is carried on further up, I think, than my place, while it is merely dynamiting that is carried on, and it should be put down. I desire to inform you that there is in England, I believe, the Pollution of Rivers Act, and that Act does not extend to Ireland, and I think it would be a great advantage if it did. The second point that I want to talk about is the inadequacy of the penalty for dynamiting and poisoning. I do not mind a man dropping a net, for it does not injure the fry and it does not destroy everything, but poisoning and dynamiting destroy the fry, and destroy everything, and that should be punishable by imprisonment, and imprisonment alone. No fine is adequate for that. Very well. I think also that if sheep-washing and all that sort of thing could be put down it would be a great advantage. Not only is it injurious to the fish, but it is injurious to the public health. The water supply of Cork comes down from that place, and they wash thousands of sheep there.

Mr. Colderwood.

854. As to this licence question, if there was any proposal that would increase the assessment, would not that produce far more income than any re-arrangement of the licences?—It would, I should say.

855. I mean to say such a system as we have in Scotland, for instance, where there is a known valuation of each fishery. I take it that your Board of Conservators do not know the actual saleable valuation of your fisheries?—Oh, yes, we could get that.

856. Now, the income of a Scottish Board is derived entirely from assessment upon the lands and fishery?—Witness—How is the assessment made?

857. The assessment is made by the Clerk of the Board, and in that way the income is very much larger in proportion than the income either in England or in Ireland. Each owner makes a return of his rent. He may appeal against the assessment, but it is all provided for. Possibly something like that could be done here. There is only one assessment, and the collection of money is very simple, and there is no licence, so that we have no difficulty about a man taking out a licence in one district and fishing in another?—Yes, I think such a system, if we could get it here, would be very admirable.

Chairman—continued.

858. In the river?—In the river, and it sets all the salmon wild where they get that poison in their eyes. That was the only other point I wished to put before you on that subject.

859. Is not that practice unlawful?—It is not. They can do it, apparently, from monarchical usage, but if it was done in England it would be very quickly stopped indeed. And I think it would be also better that a Resident Magistrate only should hear fishery cases. For many reasons I think Resident Magistrates only should decide in fishery cases. I need not go any further into that. It is perfectly apparent. And then there is another matter. I confess I think it is very absurd that the Board of Conservators here should go to very great expense to convict a poacher, and have a fine imposed, when in some cases out of every ten the poacher makes by the fine in this way. He is fined, say, £5 or £10, and a sympathetic district is agitated about that. This poor man is fined £5 or £10, and if he does not pay it he will have to go to gaol. And then there is a house-to-house collection and they get the £5 or £10. And then he sends up a memorial to the Lord Lieutenant and the fine is reduced to 10s., and he has a clear profit of £4 10s. on his poaching.

860. He does not reimburse the contributors?—He does not, and he does not hand over the balance to the Conservators who have spent three or four pounds to convict him, and he comes well out of the job. This incessant reduction of fines is disgusting, and it would be better just to let the man go free. Then I would urge the necessity of the Board of Conservators being in a position to employ a permanent staff of men all the year round, for otherwise you cannot get reliable men. You get a man to work for two or three months, and then through shortness of funds you have to discharge him, and you won't get respectable men to do the work under such circumstances. I would employ men all the year round in the harbour in the launch and up the river to protect the spawning fish, and they could be shifted from one place to the other, and if we don't do so the river will fall away and won't be worth a penny. The destruction of spawning fish in the upper waters is absolutely appalling. There are streams there now absolutely full of spawning fish, and within the next three or four weeks there will not be one. Every one of them will be killed by dynamite or poison. We have three bailiffs in our employment now to attend to that enormous area extending from Roche's Point. It is absurd. You might as well have three sticks of celery.

861. Are you an elected Conservator?—Yes. And then there is a vast disproportion between the money spent on the tidal portion of the river and the money spent on the upper waters. I could not exactly state the figures, but I say that for one pound that we are

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Mr. HENRY ARDEN, B.L.—continued.

[Cont.]

Chairman—continued.

able to spend on the upper waters there are three or four pounds spent on the lower waters. That would be very much obtained if the Coastguards would do the tidal portion of it, as they do, I believe, in every other country. It is said by the Admiralty that they do not want to fall into the fishing population. They say the Naval Reserve men come from the fishing population, but these people that poach do not belong to the fishing population. They are labourers by day and poachers by night, and they are not regular fishermen at all, and if the Admiralty allowed the Coastguards to act for two or three years there would be no poachers down there at all. The poachers would find their occupation unprofitable and they would die out. That is the sure and substance of what I have to say, but I should be very glad to answer any questions.

801. The main plank in your plan is a stronger staff for preservation?—Yes, certainly. There is a river now that I know of, a tributary of the Lee, called the Paddens, and I saw myself a weir there specially made for killing the salmon. They built a line of stones three or four feet high across the river, and then they took flat stones and put them right across the top of the barrier, and the fish could not possibly get up there without knocking their heads against that ledge that was arranged in that way, and they took them out in hundreds with gaffs every night there.

802. Is there any way that you can suggest in which these people could become interested in the preservation of the fish?—Well, of course, they are interested, you know, but they are reluctant to give evidence or anything of that kind. I know perfectly well that some people know who did everything, and they won't say a word.

803. Of course, in the tributaries where the spawning beds are there is no fishing?—There is no interest in it. There is no fishing there.

804. And therefore there is no advantage to be derived by them except out of poaching?—That is it.

805. Is there any way that you can suggest in which they might be interested, by some rateable compensation for the preservation of the spawning fish?—Witness—Those people upon those tributary streams?

806. Yes?—I do not believe it, not a bit. You see they kill such enormous quantities of fish.

807. For what length of time is it necessary to take great precautions to prevent the killing of spawning fish?—I should say from about November to January. Of course, there are some of them that come earlier, but the bulk of all the mischief is done in that period, and they kill hundreds of these spawning fish and they rip them open and salt them. I suppose they are fair enough to eat when the salt purges all the poison out of them, but they are poisoned to a certain extent.

808. And I suppose there is nothing compensating in their having these salted fish?—Well, they don't

Chairman—continued.

keep them outside their doors, don't you know, but when a man wants a fish he knows perfectly well where to go and get it.

Mr. Calderwood.

809. As to the encouragement of trout fishing (I am speaking of the tributaries where this destruction of fish goes on), are the people up there possessed of considerable tracts of land on the river?—Well, I should say it is all bergy and mountainy land.

810. We have here a map showing small holdings which either have been allocated or are likely to be allocated, and they go up to a place called Inchguala?—Inchguala, yes. Well, the river I spoke of is on the south side of the lake, and it comes down from the mountain into Inchguala lake. I saw the weir there myself, and it must have been there for a long time.

811. And who is the land there in possession of?—I could not tell you.

812. It would not be possible, I mean to say, in a place like that?—The people up there have no interest direct or indirect.

813. There is not a fringe to the river?—Not a bit.

Mr. Green.

814. You heard the evidence that Alderman Dale gave?—Yes.

815. And you heard his general opinion of the present state of the river?—Yes.

816. Is it pretty fair?—I quite agree with Alderman Dale. The only point that I differ from him in is asking the people that come here from Douglas take out a separate licence. I think that is absurd, as there are so few coming from Douglas, perhaps one in ten years or so. It is absurd.

817. But in some cases?—Oh, I know in some cases, of course.

Chairman.

818. We were not exactly thinking of that, but it was as to whether, in the event of there being much of this travelling about by rod fishermen, licences should not be issued by a central authority and the amount pooled and distributed to the various Boards of Conservators?—I think that would be a very good plan.

819. That was what I had in my mind when I put that question. It was not to multiply the number of licences?—I quite agree with that. I think that would be an admirable suggestion.

Mr. Green.

820. There was another suggestion made, that if a man brought a licence from another district into this district, the licence should be endorsed and he should pay 5s. for the endorsement?—That could be done, too, but the cases are so few. I think the pooling is the very best idea that I have heard.

Mr. SINGLAI W. PARNY, J.P., examined.

Chairman.

821. Are you acquainted with the Brandon river?—I know all the rivers of the Co. Cork pretty well.

822. I see by your paper that you have studied this question pretty closely?—I have been a fisherman all my life.

823. You know the terms of our reference and you have read them?—Yes. The principal suggestion, I think, is that of getting the tenant purchasers to combine for the preservation of their fishings.

824. That is one of the suggestions made, and perhaps you would just give us your opinion upon that and other points in connection with it?—I think it would be a most important thing that the tenant farmers who have purchased should be approached with a view to forming either angling societies or fishing societies for the purpose of protecting their fishings and letting them, because it is a very valuable asset, and I suppose by degrees it will develop itself, but in many cases the owners in selling have reserved the fishing for their lives, and so we must all the meantime, at least a lot of fishing rights will fall into the hands of the tenants. As a rule, farmers do not care very much about fishing. They

Chairman—continued.

take very little interest in fishing, but they are keen about shooting and running. It is very hard to get them to take an interest in fishing, and if they see a man fishing along a river they think he has nothing else to do. Then notion of fishing is chiefly by net or dynamite or poisoning. I am sorry to say that, but that is my general opinion. During the sales of land, I have been a great deal through the County of Cork and part of Waterford and part of Kerry, and I think in all about 115,000 acres of land altogether for the purpose of assigning boundaries, and in some cases there were tenant purchasers with fisheries adjoining their farms. I often asked them about fishing, and they did not seem to know anything about it at all, and I suppose that unless some steps are taken by the Conservators to try to encourage them to form such societies, I don't think they will themselves ever do it.

825. It was suggested here that possibly the Boards of Conservators might be strengthened, or might be appointed on a different way, so as to be more representative?—I think I said something about that in my paper.

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MR. SIOBHAN W. PARSONS, J.P.—continued.

[Cont.]

(Chairman—continued.)

886. I think you did. And it was also suggested that they might be, to a greater extent, made the administrators of the entire affairs of the river?—I think they might.

887. Of course, the circumstances of nearly all rivers are different?—Yes, a great many, of course, have great differences.

888. And the administration must depend on the circumstances of the river, and you could not make general rules and regulations that would apply to all rivers?—I think the present government of rivers by Boards of Conservators is in most cases very fair. I think in our case we all pull well together, not men and upper fishermen.

889. That is the Bandon river?—Yes.

890. How about funds?—Last year we were fairly well off. For a long time we were badly off. We got a collection made every year, and the Fishery Board give us a grant.

891. They did not give it on any assessment?—No.

892. Or on a rate?—No.

893. What proportion do they give?—I think they gave us double of what we gave last year. The amount collected was £30, and they gave us £40. You will get that evidence from the Secretary.

894. Now, as to the question of the upper waters, the tributaries and the spawning beds?—Yes.

895. That is a difficult one?—It is a very difficult one, because there are a tremendous lot of small rivers, and we find it very hard to get men enough to look after these properly in the spawning season.

896. Salmon always go as high up as they can?—Yes, to the proper spawning beds.

897. As high as possible?—Nearly always.

898. Has it ever been suggested at any time that some of those tributaries about which there might be difficulty should be barred to the salmon?—It is a very difficult thing to do that on account of the climate. If you put up any sort of a barrier and a big flood comes it tears it down and there is danger of flooding land.

899. And it would give rise to all sorts of difficulties?—It would.

900. And there are few barriers that you could put up that a poacher could not pull down?—Yes, and there would be a place collecting the fish for him.

901. A place collecting for him?—Yes.

902. That was only mentioned, but it was not dwelt upon as being at all a valuable suggestion. Have you formed any opinion which you could give us as to how the interests of these proprietors of land on the upper reaches of the river, who have no fishing, might be reconciled with the interests of the proprietors of the fishable portion of the river?—That is a very difficult question. It would be very hard to put a compulsory rate on those men, for instance. But of course if there was established a fishing club for trout up those small rivers the value of the fishery would increase in a very short time.

903. Are you sure that that would be the result?—Oh yes, on such rivers as the Binnary and the Blackwater and the Tangle, tributaries of the Bandon.

904. And something might be done in that direction?—Yes, if there was any plan as I say formed for organising the tenant farmers in clubs, that is chiefly for the purpose of trout fishing, they would help in every way, and it would be a great inducement to them to preserve the rivers, and the only trouble would be to preserve the salmon in those rivers in the spawning season. For that purpose I think there should be no fishing permitted in them from October to about February.

905. And that trout fishing would be another property in those tributaries?—Another fishing property.

906. Have you thought of increasing the supply by hatcheries?—That would be another development, but I think there is no private enterprise that will do that unless it is done by the Fishery Board; there is no other way. Of course, that would increase the fish very much.

907. If you established a trout fishery of any value in those tributaries, do you think it would be worth while to preserve those tributaries as a whole?—Yes, in the winter for salmon and the summer for the trout.

908. And naturally if the tenants had an interest in this and if they pooled their shares and got something out of it, then you would create an interest in them to preserve?—That is my idea.

(Chairman—continued.)

909. And if you preserved the trout then perhaps they would not poach salmon so much?—Quite so, that is my idea. I do not see at all why it should not be done if you got an intelligent constable in the different districts to get the names of people who would be likely to poach. There is no barrow that has not a constable who is a fisherman. They are just as keen as anybody.

910. To go back to the original suggestion, it would be a good thing to make the Boards of Conservators more or less administrative?—I think the present Board of Conservators might be strengthened, and perhaps their number added to. If you could get the farmers who would take an interest in fishing to form a society you might get them to take an interest in the work.

911. You do not mean to form a society to fish, but to preserve the fishing for the purpose of letting?—For the purpose of letting, yes. But of course you might find a farmer very fond of fishing himself, and he might say, "I do not want to let; I will fish myself, but I will preserve anyway."

912. In your Bandon river have you any difficulty about the salmon getting in from the sea?—I do not think so.

913. What fishing is there in the sea at the mouth of the river?—Only herring nets between Kinsale and the boundary. I do not believe that there is any illegal fishing there, and I have made a lot of inquiries. I have friends living at Kinsale who are continually out in the harbor there, and I have asked them, "Do you ever see illegal nets?" and they say not. At one of the fishery inquiries in Cork it was strongly recommended by everybody that the Coastguards at the mouth of the estuary should be made to assist, but they don't do so, and they are told, I believe, absolutely not to do so.

914. Of course, we can understand the reluctance of the Admiralty to direct them to undertake a duty of that kind, but you think it would be worth while to try it again?—I think so. I would coax them to do it.

915. Is there any other branch of the subject that you would care to give us any opinion upon, as you have already given us an admirable suggestion about the development of trout fishing?—I do not think there is any that won't be put before you by other witnesses.

916. You are satisfied with the position of the Bandon river?—Well, financially we are very fairly well off, and the fishing has been up to the mark for the last two years, quite up to the average for the last two years. I think that last year they got more fish than ever before.

917. Can you say what your income is as Conservator?—No; I could not say; I have not seen the accounts this year. The Secretary and Inspector will produce all the figures for you.

918. Are the subscriptions of those who have any fishery voluntary, or is there an assessment?—Well, the state of affairs on the Bandon river is rather anomalous. The most valuable fisheries are above Bandon. All the fisheries below Bandon are rated high, that is, assessed for the purpose of the valuing of the fishery, but none of the fisheries above Bandon are assessed at all.

919. I suppose the upper part of the river at one time was worthless?—I think at one time they used to net the whole of the river below Bandon, and I suppose it was rods and not rods that were valued.

920. And is there netting in the river now?—Well, I hope not.

921. There is no legal netting?—No legal netting except the herring nets.

922. That is in the tide-way?—I know they do, now and again, do business, but it is very hard to catch them.

Mr. Calderwood.

923. The estuary of the Bandon is of considerable length?—I think about 15 or 16 miles from Inch-channon down to the mouth.

924. And any netting that you have then is drift netting?—Yes.

925. Is there any netting on the coast at all?—I think they set trammel nets on the coast.

926. Then you say that the catch of fish in the Bandon river is pretty good?—It has been up to the average the last two or three years, judging by the number of fish killed by rod. It is very difficult to get correct figures from net men.

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MR. SINGLAIN W. PAYNE, J.P.—continued.

(Cont.)

Mr. Calderwood—continued.

927. And is it a spring river?—Fishing begins on the 15th of February. They are generally there about the first of February.

928. Then with regard to trout fishing in the upper waters, have the Conservators at present supervision of trout fishing?—Well, they don't do anything at all about it at present.

929. But they have the powers?—I should think so, yes.

Mr. Green.

930. Is there any free angling on the Bandon?—Yes, there is. The owners and the men that take the fishing give three open days in the week on the river, either three or four, and there is open fishing up to Danmaway. Everyone gets free fishing on the river, and I do not think there is any restriction as regards the free fishing—salmon or trout.

931. A great many farms have been sold to tenants. Do you see any danger on the part of purchasing tenants to interfere with this free fishing?—No, I do not see any. These are very free purchasing tenants on the Bandon river. As a matter of fact, there are only two that I know of below Bandon, and Sir John Arnot's above Bandon, and there the right of fishing has been reserved but it is not exercised. On the Arnot's estate they do not use their privilege though they have reserved it, but as tenants below Bandon has been letting the fishing for years. Long before he bought, even, he has been letting the fishing. I don't know how, but he has been doing it, and his rent has doubled in the last two or three years.

932. For the fishing?—Yes.

933. Do you think that there would be no possibility of developing this trout fishing without combination?—I don't think so. I think it would be very hard to do it.

934. One man's little lot of fishing would not be worth the taking?—Yes, that is so.

935. They must combine to develop the value of it?—Yes.

Mr. Green—continued.

936. And is this free fishing much availed of?—Oh yes, they have a great angling competition every year, and I think 35 rods went down to fish for a cup this year at Ballyneen.

937. Do they go out from Bandon?—Yes, and from Cork. The Anglers' Association last year gave a subscription of £3 on account of these open days on the river. They go down and fish on the open days.

938. So that any combination for the purpose of preserving the rights of fishing might be a very great injury to the free fishing?—Well, I think they ought to pay the tenants something for it. If they got this right of fishing there I think it is fair that the farmer should get some little recompense.

939. The farmers who are preserving should get something?—Oh yes, I would try to get them to do that.

Chairman.

940. And these farmers might give a free day, or a few free days—they might limit it to a certain number of days?—Oh, yes.

941. And will they pool the lettings?—Yes, I think so.

Mr. Green.

942. You have told us there are free days on the Bandon river. Now, there are certain fisheries on the river that are very valuable fisheries. Are there free days there?—Yes, Lord Bandon gives an open day, and Captain Pascoe, to whom Mr. Marston Frewen has let his fishing rights, has given an open day, and I have a small lot of fishing there and I give an open day, and all the way I may say from Bandon down to Innishannon there is an open day, and on Thursday Mr. Longfield gives a day to fish and Lord Bandon gives a day up at Ballyneen.

943. So that a man staying about Bandon may get three days a week?—He may get three days a week.

944. By going to different parts of the river?—By going to different parts of the river.

MR. ROBERT M. D. SANDERS, J.P., examined.

Chairman.

945. You are a fisherman yourself?—No, I do not fish much, but I understand that you were desirous to have some information about Mr. Marston Frewen's fishery. He has sold all his agricultural land to his tenants.

946. Tell us where the estate is situated?—It runs from the tide-way at Innishannon up to Bandon at one side.

947. One side of the river?—One side of the river. He has reserved the fishing rights and the bed of the river. Some compensation was paid to his tenants.

948. Was that portion of your fishery valuable before the sale?—Yes.

949. And I suppose the free day that Mr. Payne speaks of applies to that?—Yes.

950. And that has always been given there?—Yes.

951. At least has been given for a length of time?—Yes.

952. Now, would you tell us how the facts are. This is not a typical illustration of fisheries passing to tenants at all, because this fishery has not passed to the tenants?—That has not passed to the tenants.

953. And no change has been made?—No change has been made.

954. Was there any difficulty in negotiating for the sale with this reservation?—No, there was not. They agreed to the reservation of the fishing rights. Of course, the bed of the river is not of any value to the farmer.

955. Is there likely to be any difficulty in connection with persons trespassing on the lands of tenants so as to fish this river?—That is one of the questions that the farmers raised. They raised that question and they made that a case for compensation.

Chairman—continued.

956. And was there compensation?—We made some compensation.

957. On their stating that they would not object?—Yes, so that we might preserve.

958. On their stating that they would not object to persons coming on the bank of the river to fish?—Yes.

959. And I suppose trespassers are about there always?—It remains just as it was.

960. Now, with your experience in the management of estates, you have studied this question so don't?—Yes, and in other districts difficulties arise which do not so much occur on the Bandon river. For instance, the Marne is a river capable of improvement in a fishing way.

961. Perhaps in your own words you would tell us what are your suggestions for its improvement. What are the conditions at present?—Above Oremstown particularly all the land has been sold to occupying tenants who have purchased the river. They consider it their property, although the title is attached to each farm individually and of little value unless taken into a scheme of general preservation. The farmers do not preserve, and there appears to be a good deal of illegal fishing done by themselves and their families.

962. And has any effort been made to demonstrate to them that that state of things can only last a very short time, and that the river will be destroyed?—It is very difficult to preserve in opposition to the owners of the river, especially where these owners are also occupiers, and one or two can do a great deal of harm by practising illegal methods, as they do not realise that they are breaking the law when they own the river, as they have an idea that the river belongs to them exclusively.

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Mr. ROBERT M. D. SANDERS, J.P.—continued.

(Cont.)

Chairman—continued.

963. Who are the Conservators of that river?—The Limerick Conservators.

964. Have they done anything or made any effort?—Oh, I think so.

965. To mend that state of matters?—They endeavour, but I do not think they have got sufficient funds to keep the gooding down.

966. What length of the river would this observation of yours be applicable to?—Oh, well, about ten miles.

967. Then really if that state of things exists for ten miles of river it would destroy the river altogether?—Yes.

968. In the course of time?—In the course of time, yes.

969. But nothing has been done?—It is not that the farmers themselves fish too very much, but it is that they allow anyone to fish over it, and I know there are one or two farmers who kill a good many salmon there by illegal means. It is the general experience now that one or two men can do harm, and I think they have an idea that the river belongs to them, and that they can do with it what they like.

970. Legally, as long as they observe the law, that would be true?—But they do not observe the law.

971. But the question of breach of the law could be met by a little more energy on the part of the Conservators?—Well, it is very difficult if the law is broken by people who live on the bank. It is much more difficult than in ordinary cases.

972. Are the fisheries above and below this stretch lost?—No.

973. Or are they valued for nothing?—Oh, no. Above, there would be only trout fishing, and below, the fishings are good. The river runs through Lord Dunraven's demesne, where there are some trout hatcheries, and I am not sure that there are not salmon hatcheries too; but the river is very good below Croon, and that is all preserved.

974. But in time would not the value of the fisheries below be very much affected or interfered with by this fishing that you complain of?—Yes; and that river would be an exceedingly good river, and a much better river than it is if the upper part could be preserved.

975. Then perhaps before it is made quite valueless would it be possible to provide for salmon fisheries on the lower stretch of the river and trout fisheries above, and then if these fisheries were vested there would be no difficulty about preserving it?—I agree with Mr. Payne that it would be a good thing if a fishing club could be established. If the farmers could be made to see that it was an advantage to them to hand over their fisheries to a fishing club, I think a great many of them would be glad to do that, because they would be glad of an excuse to keep out some of those undesirable people. When the whole responsibility is thrown on them they do not like to say no. And I may mention that a very interesting system of preservation is now being carried out in that very neighbourhood, the preservation of hares, and that is entirely taken up by the farmers and by their sons. They are fond of coursing, and they are preserving strictly. They have fenced all over that district of the County Limerick coursing clubs, and they are very strict, indeed, about it now.

976. And it has become everybody's business?—Oh, they think it a crime to kill a hare.

977. Quite so, and if something of the same spirit could be infused into the minds of the farmers along the river I think you might succeed in preserving the river?—I think it would be necessary to get their co-operation.

978. Well, now, about the upper stretches of the river, and the spawning beds?—Yes.

979. What happens up there?—Well, of course, the free fishing is free to everybody. There are very good trout streams there. I think a great deal of damage is done up in the high-up places, because there is no protection at all there.

980. Are you one of the Conservators?—No, I am not.

981. How is it that their funds were hunted?—Well, I cannot give you the particulars, but I always under-

Chairman—continued.

stood that that was one of the reasons why they could not do more than they have done.

982. It is the Limerick Board, at all events?—Yes.

983. Possibly they look on it as outside their scope?—Yes, and perhaps they have more important districts to look after.

984. Well, in your opinion, that might be made an important district?—Yes, I think so.

985. Ten miles is a long stretch, and you say Lord Dunraven's portion is valuable?—Yes.

986. Do you know anything about the approach to this river from the sea?—It flows in near Adanah.

987. You do not know anything about the fishing there?—I do not. The fish are netted.

Mr. GREEN.

988. Legal netting?—Yes.

Chairman.

989. Draft netting and drift netting?—I believe so.

990. At any rate, you are not prepared to give us any information as to the extent to which that affects the upper waters?—No, I could not give any information as to that; I am prepared to speak only as to difficulties in the sale of land, because I have had a good deal of experience in selling to tenants, and in the case of those small farms that run down to a river, the half of the portion of the river adjoining is measured to the farm, and when you sell you have to include that portion of the river, and it is not worth while to divide the fishery from the farm. To the owner selling it is not of sufficient value to divide it from the farm if the tenant thinks it is of any use to him, and the consequence is that, as a rule, the fishery is thrown in, and it follows that in some districts, unless the land actually happens to abut on a portion of the river which is valuable for fishing, and that fishing goes to the occupying owner and he gets the right to it, and you must deal with him; you must get him to surrender the handing over of that to the Board or to some authority who will preserve; and I think the suggestion of fishing clubs a very good one if you could work it.

991. Has it crossed your mind at all that in a sale where the rights are reserved they should be reserved subject to the vesting of the fishery in trustees for the benefit of the tenants proportionately?—Yes, but you must make that compulsory, I think, if you wish to carry it out legitimately. I think you are rather late now to do it, but you could do it in all fresh cases.

992. Of course it could not be made retrospective?—No.

993. Might it not be made a portion of the conditions upon which the Estates Commissioners or the Land Commission or the Congested Districts Board, as vendees, would vest the estate?—Well, I understand that the Estates Commissioners where they acquire land themselves, that is, for resale afterwards, do reserve any rights of that sort to themselves.

994. For the purpose of vesting it in trustees?—For the purpose of vesting it in trustees. But when you have an owner engaged in private negotiations direct with the tenant he does not concern himself, and if the tenant says, "Oh no, I want to have all the rights, everything," he is not going to break off his sale for the sake of that, unless he has got other interests in the district or in other parts of the river.

995. Unless, of course, the Land Commission made it an object?—Of course. It might be dealt with in the same way as mineral rights in the soil. If I sell to my tenants, unless there has been a mine opened on the land or unless there has been a lease made to somebody else, I cannot sell the fee-simple with the mineral rights to the tenants. The mineral rights go to the Land Commission. In many cases I think they are not very valuable, but still the Land Commission have those mineral rights, and it would have been very wise if that principle had been adapted in the Land Purchase Act with regard to fisheries, because then the Land Commissioners would have all the fisheries that were anybody's property, and then they might have worked out a very good scheme for the

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MR. ROBERT M. D. SANDERS, J.P.—continued.

[Cont.]

Chairman—continued.

benefit of the tenants themselves, and it is not too late to do that in respect of new sales, but most of the land in the South of Ireland has been sold now.

995. But still if it could be brought home to the minds of the tenants who purchased the rights, and demonstrated to them in any way, that by pooling their interests a valuable property could be created out of which they would get something, it might be still possible to do this by voluntary effort?—Yes, and I think if there were those trout fishing clubs in the upper waters that it would help very much in the preservation of the spawning beds, because there would be a little fund collected there and the farmers would have something out of it.

997. And a sportsmanlike spirit would be developed?—It would, yes. I don't know that there is anything that I could say about the Innishannon fishery excepting that, that there is a very long tide-way on the Brandon river. It is nine miles.

998. Where exactly is what is technically called the mouth of the river?—Kinsale. Then the tide runs up to Innishannon, and along that stretch (and Mr. Payne referred to it, I think) there is not as much preservation as there ought to be, and I understand that in fact there is no water bailiff on that tide-way, and Mr. Stebbing, who looks after Mr. Frazer's fishery, is of opinion that there is a good deal of illegal fishing going on on that tide-way.

999. What sort of illegal fishing?—He has found salmon marked at the gills by drift nets.

1000. Marked as having been hooked?—Yes, and that illegal netting appears to go on a good deal during the weekly close time.

1001. Do you think there is anything else you would desire to mention?—I think there is nothing else.

Mr. Green.

1002. Is there any part of the river that you were speaking of about Orem, that is let for salmon fishing?—No, I do not think so.

1003. Now, is it all free fishing?—It is all free fishing.

1004. Even for salmon, if a man has a chance of catching one there?—I think so. There are one or two places, yes; but I think it is all free.

1005. Well, as to those angling clubs that you have been talking of, they would consist of some local anglers?—I suppose so.

1006. And the farmers?—And the farmers.

1007. Farmers who are interested in the river?—Yes.

1008. Do you think the amount of money that would be got from fishing of that sort, distributed amongst a number of farmers, would be large?—It would be a very small amount for the individuals, I am afraid.

1009. It would not alter the conditions very much?—In some places it might. In some places where the farmers were small farmers and where they might value it as a concession of that sort.

1010. It is a very well worth considering?—It is worth considering. If it could be carried out it would be a very good plan.

Chairman.

1011. You regard it as a valuable portion of this arrangement to put something between the farmers and the trespassers?—Yes, I think that many a farmer would not allow a man to fish illegally on the water if he had somebody in authority above him that he could refer to, but if he objects to those persons going to fish he is afraid that will do him some injury, and a farmer is very easily injured.

MR. JAMES MINNICK, examined.

Chairman.

1012. You are Secretary of the Cork Harbour Drift-net Fishermen's Society?—Yes.

1013. Of Blackrock and Cork?—Yes.

1014. And you are one of the fishermen yourself?—Yes.

1015. Now, have you prepared any observations to offer to us or any suggestions to make on the subject of your interest in the river?—Only so far as preserving the river is concerned. We do not think the Conservators are able to deal with the protection of the lower harbour at all, and on the other hand, I make a weekly collection from my society. Each man that kills salmon with a drift net pays 6d. out of each salmon. Every week I collect that, and we give that to the Board of Conservators. In fact, we gave them £100 last year to help to protect the river, and we give this voluntarily from ourselves.

1016. In speaking of the protection of the river, do you mean the upper reaches of the river or do you mean the harbour?—From Cork to Blackrock Castle. In that area we want protection.

1017. Then you do not consider that the preservation of the upper reaches of the river at present is insufficient so far as you are concerned. It is not that part of the duty of the Conservators that you complain of?—Oh no; we don't complain of that at all.

1018. What is it in the harbour that interferes with your interests as fishermen?—Drift-net fishing.

1019. That is illegal?—That is illegal.

1020. At what period of the day or night is it carried on?—At all hours.

1021. And by all classes of persons and all kinds of tradesmen and workmen, and chiefly at night?—Workmen at Handboring and shopkeepers at Queenstown. They are being prosecuted every week. They are being caught repeatedly at this work.

1022. But a drift net is not a thing that a man could pay for, for merely an occasional night's fishing?—They are very inexpensive all the same, compared with our nets.

Chairman—continued.

1023. What length are these drift nets?—Well, they average 400 yards.

1024. And what is the mesh of that net?—6½ inches.

1025. Do they catch large quantities of fish?—They do, sir.

1026. What do they do with them?—They sell them to Clayton Love, of Queenstown. There are about 150 nets. The whole harbour is a perfect web of drift nets at present.

1027. The Conservators have launches?—They have a launch, and she has repeatedly broken down, and they got a boat built in Belfast that cost them £170, and she was no good.

1028. How many men are engaged by the Conservators?—Eight men in the lower harbour.

1029. Have there been many prosecutions?—About six up to this time.

1030. A drift net of 400 yards is not a thing that could be picked up in five minutes?—I am well aware of it.

1031. And one would think that a launch would be able to pick up a good many of them?—But we think that if some other body took the harbour over and kept two launches there we could have protection, for the area of the harbour is very large.

1032. Have you any suggestions to make as to the sort of authority that you think ought to be established?—Oh, of course, I don't suggest what authority should take it in hand, but somebody should take it out of the hands of the Conservators.

1033. But the Conservators appear to be very anxious about the preservation of the fishery?—But they have no funds, and they appear always bankrupt some way or another. They always seem to have no money. We gave them £100 last year, and last Saturday I gave them £25 odd to help them this season.

1034. Have you had any large catches of fish this year?—Very fair. One boat got 32 salmon.

1035. Have there been any seizures of nets this year?—Mr. Haynes has a return of those, as being one of the Conservators. We do not get any return

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MR. JAMES MINTERS—continued.

[Cont.]

Chairman—continued.

of these at all, but I think there would be 70 sound up to the present.

1036. Have there been prosecutions?—There have been prosecutions. Mr. Sutton, one of the Board of Conservators, will be able to give you all those cases.

1037. All you have to say is that you contribute, and that you think that your interests are not sufficiently protected from the illegal poaching which appears to go on in the harbour?—Exactly, sir.

1038. That is really your case?—That is my case. We are not getting satisfaction for the money that we give the Board of Conservators.

1039. I would not like to ask whether your people always obey the law strictly themselves?—Well, we do, sir. I guarantee that, sir; there has not been a drift net used by our people for the last two years.

1040. I mean in drift netting?—Oh, no, for we have a weekly clean season the same as any other, 6 o'clock on Saturday morning to 6 o'clock on Monday morning. There are times when you might find a man out, but then we are down on him ourselves. We would not stand it.

1041. How many are there of your people?—Forty-three boats and four men in each boat, 170 men altogether.

1042. Is there anything else you wish to mention?—No, except that there should be a launch constantly kept at Queensdown to attend the whole time, and one boat kept in Passage reach, and a good competent man, with a practical knowledge of the fishing himself, in charge of those workings.

1043. Is there any portion of the harbour now to which these driftmen's boats can go that is so shallow that the launch cannot follow them?—Oh, there are many parts of the harbour where you could not get within 150 yards of them, with five or six inches of water, and this launch draws three feet. You could almost stand on the shore and defy the launch to come near you; but as a rule the men in the launch keep a boat in tow themselves, and where they cannot get in they cast off and let the men row after them.

1044. Has there been any resistance offered to the Conservators' boat?—Oh yes, and people shot.

1045. Forcible resistance?—Last year there was a case at Rushbrook Docks where the poachers used firearms, and the bailiffs were forced to do the same, and two men were seriously wounded.

1046. Then the bailiffs in those circumstances would really require protection?—Oh, they would. The police are always with them. The Inspector at Queensdown gives them two police each night to go out.

1047. To go out with them in the launch?—Yes; they dare not go out without them. These people set them at defiance.

Mr. Childerswood.

1048. How many men are working with each drift net?—Four, sir. There are drift nets used to shoot that two men can work.

1049. How long are they?—150 to 200 yards.

1050. Have they a similar mesh to the others?—Very similar.

1051. They have always one end ashore?—Always one end ashore, and they row out.

1052. It is an anchored drift net?—They make a fixed net of a drift net.

1053. I suppose the salmon is mowed by the gills?—You want a wind on the shore.

1054. If there is a wind blowing on the shore?—Yes. If there is not you won't get the salmon to the fixed net, but if there is a breeze blowing along the shore you will always get the salmon to the fixed net.

Chairman.

1055. And is that simply a net—there is no trap in connection with it?—Oh no, sir, a single net.

1056. You have seen those nets?—Oh, yes, I have seen them repeatedly. I have been twenty years fishing myself.

1057. And do your crews of forty-three boats mist these people in any way?—Oh, any time we catch any

Chairman—continued.

of them we put them down. We take their nets ourselves. If we are out fishing and we see anybody using a drift net in the vicinity we row down ourselves and take that net and hand it over to the Board of Conservators.

1058. And do you manage to keep those drift nets off pretty well?—We can always protect that part of the mouth of the river.

1059. But you complain of no protection being given to you further out?—No protection; and the Board of Conservators say they have no money to protect us, and we give them this money ourselves to try to help them along.

1060. I understood that you fish in two different localities, Cork and Blackrock?—Blackrock is distant about two miles.

1061. Where are these Cork fishings?—Here in the city, in the centre of the city, up to Patrick's Bridge.

1062. Then what length are your nets?—Ninety fathoms always, with a stretch mesh, here in the city.

1063. And have you regulations about the manner of fishing?—We have between ourselves. When you have out this net it forms a kind of half circle, and then when you row ashore with one end of the net it forms a perfect circle, and you land it on the shore.

1064. And you keep that going all the time?—All the time.

1065. Do you keep hauling on it all the time?—All the time; and immediately a man has hauled the next man starts and puts him out, and they keep that continually the whole time.

1066. They fish night and day?—Fish night and day.

1067. What is the depth of water you fish in?—The depth of water in the channel is now much more than it used to be. At low water you have twenty-seven feet of water in this channel to accommodate the sloshers.

1068. Your nets don't take the ground?—In spring tide at high water they won't take the ground.

Mr. Green.

1069. Are there any peal coming in?—Three peal were killed up to this moment. One man had two and the other one. That is all that I have seen up to the present.

1070. Do you ever fish in the fair-way?—We never stop the fair-way. We only take half the channel. That is, if the Harbour Commissioners would allow us.

Mr. Childerswood.

1071. Do you fish on both sides of the channel?—No, sir. The first fishing we have at the end of the Marina and the next fishing would be at least 400 yards out of that on the same side, and the next about 500 yards on the opposite side, the north side, and the next fishing would be the lower end of the Marina.

Chairman.

1072. You don't go beyond the half of the river?—Oh, we can't go more than the half of the river. There is always a stream of boats going up and down there, and if we lose our net there is no compensation.

Mr. Childerswood.

1073. Is there a provision of the Harbour Commissioners regulating your fishing?—The Board of Conservators don't lay down any rules. We have an arrangement amongst ourselves. Each man gets a fair haul off the boat. If I am on turn I have the first haul, and so on, and if I decide not to make that haul the next man in turn makes it.

1074. And after making it he goes off?—He can drop back and become the last, or he may leave that fishery and go to a new one wherever he may think there are few boats.

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MR. JAMES WALSH, examined.

[Cont.]

Chairman.

1075. You are described here as an estuary fisherman?—Yes, sir.

1076. Well, now, what method of fishing do you carry on?—Well, net fishing, sir.

1077. What sort of net fishing; is it a drift net?—Oh, no, sir.

1078. It is a drift net?—It is a drift net, sir.

1079. What length of net do you use?—About 65 fathoms.

1080. And what is the mesh of it?—A 5-inch mesh, and 4 in the middle.

1081. What area do you fish in; where does the area described as the estuary begin and where does it end?—We fish about the boundary, that is, within three miles of Innishannon, and I would say a mile and a-half of Innishannon, the fresh water, the upper part of the river, and we can go from there as far as we like, of course, out to the harbour.

1082. Out to the harbour?—Yes.

1083. Past Kinalee?—Ballycotton if we wish, or Galley Head.

1084. How many miles is it from one end and a-half below Innishannon to the mouth of the harbour at Kinalee?—It is about 9 or 10 miles.

1085. How many fishermen are there in this estuary?—Well, there are three parts or four, and we have one portion, so in our part of the river there are four boats in one lot, in one ground you might say.

1086. Is your part nearest to Innishannon?—Is it, sir.

1087. That is the upper reach?—Yes.

1088. What is the length of the reach that you generally fish over?—Well, we generally work about a mile of that, sir.

1089. And there are four boats?—Four boats.

1090. And how many men in each?—Four men, sir.

1091. When does your season begin and when does it end?—From the 1st of March to the 15th of August. That is our season.

1092. By day?—By day and night, sir, according to the tide.

1093. You pay a licence?—We pay a £2 licence.

1094. Can you tell me how many boats there are in the other three stretches (you said there were four)?—There are four or five; below that may be five or six more; and below that there may be seven or eight.

1095. There would be between twenty and thirty boats altogether?—Oh, yes, sir. Our Secretary can tell you that.

1096. Do you contribute anything to the preservation of the river?—Well, I do, sir.

1097. How do you contribute?—I give five shillings. Whenever they are short of money we supply it to them.

1098. That is a voluntary contribution?—Yes, sir, from myself.

1099. And not for any principle?—No, sir, only for the protection of the river, for the upper waters especially for the spawning season.

1100. The offer is personally then from each man in the boat, to from the boat?—Yes, sir.

1101. That would be £1 a year?—Or more if it is required, if they are short of funds.

1102. What exactly is your authority?—Well, our authority is to fish.

1103. It is the right of usage, I take it?—The right of usage, exactly.

Chairman.

1181. You are Secretary, I think, of this association mentioned by the last witness?—I am not. I am a Conservator.

1182. Are you intimately acquainted with the Brandon river?—I am further down than this man.

1183. That is, closer to Kinalee?—Closer to Kinalee.

1184. And do you fish portions of that river?—Yes. I do not fish myself, but men fish. I often fished, though.

1185. We should like to hear what you have to say on the subject that we are here to inquire about. You may have been listening to what was going on?—Oh, yes.

Chairman—continued.

1104. It is the common law right?—There is no right. The rights of fishery have gone long ago. The rights of fishery are done away with.

1105. That is the private right?—Yes, sir, the private right.

1106. But I am speaking of your right, your authority?—I have no authority, only to pay £2 licence and fish.

1107. Except that the Common Law says that you shall not be prohibited?—Exactly, sir.

1108. It is not that you have any right to be there, but that there is no one to prevent you being there?—There is no one to prevent me except I was doing anything wrong.

1109. But you must observe the close season?—Yes, from Saturday morning at 6 o'clock to Monday morning at 6 o'clock.

1110. And you must all do that?—We must all do that, sir.

1111. And you must not put your net, of course, right across the river?—No, sir. There are some parts of it where we can't put across the river. We draw and haul in certain places. We cast our nets in certain places.

1112. Can you give me an idea of what your netting was this season?—I have not a general knowledge, sir.

1113. What has it amounted to?—Well, I suppose between twenty and thirty salmon, I would expect. I am sorry I did not bring any book. I could not tell you.

1114. Of course, that is not your only occupation. You are a farmer, I presume?—I am not, sir.

1115. What are you?—I am a coachman and gardener.

1116. And the men who work for you have other occupations?—No, sir, I hire them for six months.

1117. You hire them for the season?—Yes, and pay each of them £4, and the captain £5. You must pay them and bind them down to that from the 1st of March to the 15th of August.

1118. But they do not spend all their time in this boat?—Oh, no, they don't. Well, they can't. We are idle half the time. At high water they are idle half each time as I can cast again. And some days they can't cast at all. There is bad weather.

Mr. Green.

1119. But your people are satisfied to subscribe to the funds of the Conservators for the purpose of preserving the spawning streams?—Yes, sir. I think if the mouth of the harbour were preserved it would be well.

Chairman.

1120. From drift nets?—Yes, sir; they are a great detriment to my river.

1121. Do you mean now within the three miles' limit or further out at sea?—Well, in the three miles' limit, of course, they do not break the law.

1122. Is it in the harbour itself?—At the mouth of the harbour. That should be strictly preserved and watched, and then in the spawning season the small streams. The stock is the life of our river, or any river.

1123. That is, coming in from the sea to the spawning?—Yes.

MR. PATRICK CORCORAN, examined.

Chairman—continued.

1129. And we should like to have your opinion and your suggestions?—I discuss the river would be stocked with fish if every man was allowed to fish with red and lime and not to kill any salmon in close season, and all the rivers are let at so much a year by the landlords in the country, and you dare not stand in the place—a poor man—after 6 o'clock in the day.

And then they could go and fish, and they could take out their pond a year hence, and it would be the men's interest in the close season to watch the river. They are taken out wholesale.

1130. What you mean is this, that if there was free fishing for red and lime every man would pay licence—

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MR. PATRICK CONNOR—continued.

[CORK.]

Chairman—continued.

that it would not injure the river, and that it would make every man interested in preserving the fish?—They would be as thick as flies in the river, and you would do it yourself. You would go out and fish on such a day, a Sunday or an evening that you would be idle, and you would protect the river in the winter time.

1131. Don't you think that that object has been a good deal served by the proprietors giving a day's free fishing on the river?—They do not.

1132. But we have heard it?—Don't believe the half of what they are telling. Aren't they charging so much a year for it?

1133. They let it, of course, to a tenant, but they let it to that tenant subject to an agreement that they give a free day in the week?—One free day in the week is not much, sir.

1134. Is it better than nothing?—It is nothing, just nothing.

1135. A man could fish all day upon that day?—But I would like to allow him to go out in the evening in summer time and go and fish for salmon from 6 o'clock. It would be better than to be idle, a young man who would be able to go through the country, and he would pay his pound license every year; and that would make them fully strong.

1136. And now, in the tributaries of this river, high up, where the spawning beds are and where there is no fishing, how would a man who was living at that part of the river benefit by the free fishing below?—He could fish with rod and line. The salmon all go up, namely, this time of the year.

1137. But these are tributaries where the salmon do not come up, where they do not come up at the fishing season at all, and only come up to spawn?—The whole of them go up that way in the Lee, and I would close all those small rivers that leave the main river, some way or other.

1138. You would close them all?—The way the salmon could not go up them. If they go up a very small stream they are caught then and they are of no value.

1139. You heard the objection that is raised to that, that if you put an obstacle across the river the salmon would go up against it, and you would only be putting there a trap from which people could collect the salmon?—It would be very hard to preserve the salmon unless something was done like that, so as not to allow them to go too far.

The Committee adjourned.

FOURTH PUBLIC SITTING.

FRIDAY, 12TH MAY, 1911,

AT 10 A.M.

At the Court House, Cork.

PRESENT:

THE RIGHT HON. SIR DAVID HARREL, K.C.B., K.C.V.O. (Chairman).

MR. M. L. CALDERWOOD, F.R.S.E.

MR. W. S. GRACE, C.B.

MR. R. H. LEE, Secretary.

SIR GEORGE COLLYMORE, Bart., examined.

Chairman,

1155. You live at Blarney Castle?—Yes.

1156. And have considerable property both in Cork and Kerry?—No, in Cork.

1157. You are a fisherman?—Well, I really do not fish now. My sons fish.

1158. You are interested in the subject of fisheries?—Oh, yes.

1159. Both as a spectator and also as an owner?—Yes.

1160. Now, Sir George, where does your fishing

Chairman—continued.

1140. They are disposed to go as far up as they can?—They will go wherever they get water, and they are in the habit of going up.

1141. And now, would you be opposed to setting in the river?—Oh, I would, sir.

1142. All netting?—Oh, I would not.

1143. You would be opposed to all netting in the fresh-water part of the river?—Yes, sir, I would not have any netting up the river, but only in the tidal portion of it.

1144. And do you agree about protection at the mouth of the river?—I do, sir, for there are people so clever that they can make those nets in a way that they can get every salmon.

1145. No fish can pass them?—No, sir, the big or the small ones can't go up.

Mr. Green,

1146. If a man had a piece of land facing the river and was able to let the fishing for £20 a year, say, do you think it would be better for him to give up getting the £20 a year, and to throw it open to everybody to fish on it?—Sure he could fish it himself. That man won't be allowed to fish it himself. He won't get a halfpenny by it. It is the landlord that will get it.

1147. But I am speaking of places where the tenant has purchased and has got the fishing?—And there are very few places that have got the fishing rights. I think the Duke of Devonshire gives it, but no other man gives it on the Brandon river.

1148. Has the Duke of Devonshire sold?—He never claimed the fishing rights of the river at all.

1149. But very few of the purchasing tenants have got it now?—None of them have got it; but the Duke of Devonshire's tenants did get it.

1150. But in the other cases that have taken place are the fishery rights reserved to the landlord?—Witness—Where, sir?

1151. On the Brandon?—Oh, they are, sir.

1152. Have the rights been reserved to the landlord?—Yes, sir.

1153. Are they reserved for his own life-time?—For ever.

1154. For ever?—For ever, but in some places for their lives, Lord Brandon's for his own life, and all the others and their families claim their game rights for ever.

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SIR GEORGE COLVINGTON, BART.—continued.

[Contd.]

Chairman.—continued.

1163. Perhaps you would put in your own words give us your ideas, first of all, on the subject of the prevention of poisoning and the protection of salmon on the rivers?—The greatest injury that is done to the rivers is by poisoning, and the great difficulty that I see about that is that in Ireland it is only punishable by a fine, while in England it is a felony. It may be done in three different ways; but it is generally done by means of the sparge which grows along the banks of most of the small rivers, and is generally collected by the poachers in June and July, and if they collect a sufficient amount of the sparge, which grows generally about six high (Wittness indicates a height of about two feet), and squeeze the stuff out of it, it will kill every salmon in one hole, and it will kill every trout and every salmon fry, in fact, for a quarter of a mile. And the salmon come to the surface, and they are perfectly fit to eat, and thus is paid for by people who receive the fish, and the consequence is that, supposing the poachers get 100 salmon at one hole, and that they are fixed, the fine is nothing to them.

1164. There is no difficulty about the preparation of the poison from sparge?—None whatever.

1165. Does it keep for a considerable time?—Yes. Well, they used simply to squeeze it out and use it. I have seen it often when I was a boy. They pressed large bits of it, doing it regularly. But I believe there is an ingenious man at Brandon who has extracted this stuff and put it into a jar, so that they can use it without any trouble at all.

1166. I suppose there is no penalty for the possession of this sparge?—No.

1167. And to means of poisoning anyone unless they are found actually putting it into the river?—Putting it into the river.

1168. Do salmon poisoned by sparge bear any sign afterwards that is distinguishable?—No.

1169. They are perfectly good for food?—They are perfectly good for food.

1170. And you would not know them from any other salmon?—No, you would not.

1171. When they are on the salmonman's bench?—But, of course, they are shipped over really, because it is sure to be found out. They are not exposed. They are shipped over.

1172. There are other forms of poisoning?—Yes, dynamite and lime.

1173. Do you think dynamite is used to any considerable extent?—I do not think it is used to a considerable extent, but it is used twice a year, perhaps.

1174. I suppose it is always more or less in the neighbourhood of a quarry where dynamite is being used?—Dynamite is extensively used, and it might be supplied by the receivers perfectly well.

1175. I do not want you to give any names, Sir George, but are the receivers pretty well known?—They are, no doubt.

1176. You have spoken of 100 salmon being taken out of a pool, so that the proportion of profit they make by putting them on the market must be considerable?—I do not say it happens very often, but it happens often enough.

1177. But even ten salmon, not to speak of 100, would yield a large profit?—Oh, I could not say they are known, but there are strong suspicions.

1178. Was any attempt ever made by the agents of the Conservators to trace these salmon?—Yes, there has been.

1179. I mean by bailiffs following the salmon?—They have never succeeded in tracing the receivers absolutely and bringing it home. There was a case here, of which the Secretary of the Conservators will give you some evidence, in which, by means of working through London and through Amsterdam, they got to a whole establishment. I saw them myself, thirty-seven salmon, some of them full of spawn, that were netted down below, out of season. It was a regular factory. There was a regular establishment for that purpose, and it was broken up. And that happened two years ago.

1180. Was that on the Lee?—Yes, on the Lee. It happened there was a place in Cork.

1181. And you say that they were salmon full of spawn, out of season?—Out of season, and a number of them were full of spawn. Those were fish that had

Chairman.—continued.

been netted evidently out of season, and it had been going on, of course, for a long time.

1182. And they found a market for these?—They found a market over the water. I think Mr. Bannan may be able to give you more evidence about that. He may not be able to tell you how he got the information. I suppose he would not, but anyhow they were shipped straight over to Holland.

1183. Now, about lime. That is occasionally used, is it not, for the purpose of poisoning?—Yes, that is occasionally used.

1184. Do fish when poisoned by lime show signs afterwards?—I believe they do. Still they are perfectly good to eat.

1185. Of course dynamite, unless on a close examination of the fish, would not show anything?—It would not.

1186. I believe it is the shock that destroys them?—I do not know what it is that does it. It stuns them and you pick them out.

1187. Now, Sir George, if the Conservators had a sufficient staff for the purpose of protection and watching, would it prevent this state of things?—Yes, I think it would, but, of course, there is another danger and another difficulty, and that is to protect the spawning fish. You see, the fish run up into those little streams, and it is almost an impossibility to put a stop altogether to the killing of them by tories. Of course, that is a sort of thing that is not like poisoning; there is a certain amount of sport in doing it, and they do it more for fun, I think, than anything else.

1188. Do you look upon the destruction of the spawning fish in the small tributaries as the greater evil of the two?—No, I should say it is equal. It is really a greater evil in one sense, but, of course, all those fish that they poison would go up and spawn, and at the same time poisoning kills every salmon fry within a quarter of a mile of where it is put in.

1189. As to the spawning fish, of course that is only for a limited period, from November to January?—From November to January.

1190. The spawning salmon killed in the tributaries are worthless for the purpose of sale?—For the purpose of sale. They are salted and eaten. It is really done, I believe, more for sport than for anything else.

1191. Is there anything beyond watching that you can suggest, that is likely to put an end to the killing of spawning fish?—No; I do not think so.

1192. Is there any way in which the people living on those tributaries could be interested in the preservation of the fish?—I do not think so. I think there is nothing for that but the personal influence of people residing in the district if they could persuade them to stop it, but I do not know how you could persuade them, and I do not see how you can stop it otherwise than by watching and by personal influence.

1193. It was suggested here that some of those tributaries might be converted into more or less valuable trout streams, and that if a property were created in those trout streams to the advantage and interest of the people who live there, that they would preserve the trout, and with the preservation of the trout preserve the salmon also. Did that ever cross your mind?—No, Sir David. I am afraid that would not do it.

1194. You do not think it would?—I am afraid it would not. The great difficulty that you would have in preferring the trout is that it would be impossible to get those people to carry out any regulation as to putting back small trout. Most of those trout streams are perfectly free to anyone to fish in, but they never would stand any regulation such as to put back trout under a quarter of a pound.

1195. Nor do you think it would be possible to limit the free fishing on some of those tributaries to a day in the week, and make them a property that would be worth letting for the season?—I do not think so. Any of the tributaries that I am speaking of good trout fishing could be established in that way. It would take a long time before it would be really good. Take the river nearest to me at Blarney. It is perfectly free to everybody, there is no question of its being reserved to anybody, and it is poisoned twice a year regularly. Sparge grows along the bank, and boys do it. That is not a question of sale. They do

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SIR GEORGE COCHRAN, Bart.—continued.

[Contd.]

Chairman.—continued.

in for the sake of picking the fish out of it; and the whole of the river running down as far as Buncarty, about five or six miles, is poisoned twice a year at least, if not often.

1196. Will none of the people who live upon or have land on the banks of that river derive any advantage whatever from the river?—No, none whatever.

1197. But suppose they did derive advantage from it?—Well, there are so many of them that the advantage to each would be so infinitesimal that I don't see that it would make much difference.

1198. You don't think it would come to anything?—No.

1199. It was only a suggestion, and it was not put forward with any very sanguine anticipation of its adoption?—I am afraid it would not be of practical value.

1200. Then it really resolves itself into this, that protection by bailiffs or other paid persons in the employment of the Conservators is the remedy?—Yes, or of the owners.

1201. Or in the employment of the owners. Now, do owners on the Lee and its tributaries employ bailiffs themselves as auxiliaries to the bailiffs of the Conservators?—Either they do or the tenants do. Now, my tenant has two men on constantly, all the year round.

1202. You think the tenants of the fisheries do?—Yes, at least they ought to.

1203. Have these bailiffs any difficulty in discharging their duties, are they ever harassed by numbers or by a mob of people who are engaged in these illegal practices?—Well, occasionally they might be, but the police always help them.

1204. The police do help them?—Yes; the police are excellent in every way down there. Of course, they are not bound to do it, but they do it, and they give very valuable assistance. In fact, without the police I do not see how the work could be carried on.

1205. I presume that, in one way or another, there is generally some intelligence of an intention to make a raid upon a river?—Generally.

1206. I mean that a number of people must be in it?—Yes.

1207. And I suppose, then, if you had the force available you could generally take steps to prevent it, or at least to put down those who are engaged in it?—Yes, that is what they try to do.

1208. And they succeed, I suppose?—They do. Oh, yes; there was a case the other day where a place had been attempted to be drawn twice and the police lay in ambush. They sent the bailiffs away for a spree, and the police took ambush on one side and on the other, and they caught five men trying to net the river, and they got two salmon absolutely in the net. They got a net thirty yards long with salmon in it.

1209. Has the case been disposed of yet?—Oh, yes.

1210. And a conviction obtained?—Yes, a conviction.

1211. You have told us that, in your opinion, the offence of poisoning the river or using dynamite ought to be dealt with otherwise than by a money penalty?—Well, as far as I have always understood, the law in England is that it is a felony. In Ireland that is not so; you can only impose a fine of £10, and I am perfectly certain that poisoning, when it is done on a big scale, is not done by the people themselves. They are paid by other people to do it just in the same way as netting in the lower harbour. The drift nets nearly all belong to comparatively rich tradesmen who pay these men to take them out, and then it is nothing to them to pay their fines.

1212. Your idea is that the punishment ought to be imprisonment without the option of a fine?—For poisoning.

1213. For poisoning only?—For poisoning.

1214. That is, that it ought to be for poisoning and not for dynamite?—Yes, because poisoning, after all, is the more serious offence. It not only kills the fish in the river, but it injures the river itself, which in many cases is the source that people get their water from, and it injures the water that people drink; and it is done purely for pecuniary greed; it is not done for sport or anything else.

1215. Have you been actively engaged as a Conservator, Sir George, lately?—No, not for the last two years.

Chairman.—continued.

1216. Then I need not ask you about the funds the Conservators have?—Well, the funds are better, I think, than they were, and the Department made a most liberal proposal to supply enough to pay off all their debts, provided a certain sum was raised in the district. I do not think it is raised now, but it will certainly be raised within a month.

1217. We have had some suggestions here as to the constitution of the Board of Conservators, and I should like to know how you thought of that question. There are some of the members elected and some members ex-officio?—Yes.

1218. And I suppose, as in the case of most other bodies, there are a few active men and a good many others who do not take much active interest in the work?—Up to three years ago I was there regularly, and there were not more than four or five who did all the work, or six at the outside.

1219. Did it ever strike you that if the various interests on the river were more generally represented on the Board of Conservators, and that that body was made a body for general administration of the river to a greater extent than it is, that it might be to the advantage of the river?—Well, it might be; but you see now the anglers' license elect three, the net license elect three, and the rest are people who are magistrates and who own property abutting on the river, and therefore really it appears to be a very fair representation. Supposing a tenant had bought land on the river and had the fishing rights, I would certainly give him a chance of getting on the Board; but, as a matter of fact, on the Lee the case, I believe, as far as I know, have been very few and far between where the fishing has changed hands at all, and I believe on the Shannon where you are going there is only one instance.

1220. We have been told that the condition of the Lee at present, as to the supply of fish, is very fair?—Oh, I think it is better than it has been for some time.

1221. You think it has improved?—Yes, I think it has.

1222. There was free fishing on the Lee at one time, one day's free fishing in the week?—There was, a long time ago. I do not remember it. My father was alive at the time, and undoubtedly when the Anglers' Club existed it did a great deal of good, and it improved the Lee tremendously. In those times the Coastguards used to help the bailiffs against the illegal fishing in the lower harbour, but unfortunately since then, I believe in 1884 or 1885, that was stopped.

1223. I believe the Admiralty saw some difficulty in it?—There was some difficulty of that sort; but undoubtedly the Conservators have done a good deal of work in the lower harbour. In fact, since they got the assistance from the Department they have done a great deal. They have captured a lot of nets this year, and they have done a great deal of good, and a lot of salmon run up now. The real question is how we can preserve them in the tributaries.

1224. That is in the spawning season?—That is in the spawning season.

1225. You look upon that as one of the most important questions?—Yes.

1226. That and the poisoning are both important?—Yes, that and the poisoning, and the question of the spawning beds is even more important than the other, and so much of sentiment will avail to preserve them. You can only do it by solid work. No matter of ownership will make any difference as to that.

1227. You have given us some very valuable evidence. Is there anything more now that you would like to suggest?—No, except as to Kerry. You are going to Kerry, are you not?

1228. I do not know that we are at present, but we should like to hear anything you have to say?—Well, there are two rivers there that I should like to refer to, and I know them both well since I was a boy. One is the best white-trout river in Ireland, the Boughy, which runs down from the sands of County Cork into Kinsale Harbour, and that would be, in my opinion, the best white-trout river in Ireland, but it is poisoned. I don't know for how many years, but it has been poisoned every year, about six or seven times a year. They are trying to stop it, but they never have been able to do so. Then there is another river there, called the Kerry Blackwater, that runs down about nine miles from a lake in the mountains,

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SIR GEORGE COLTHURST, Bart.—continued.

[Contd.]

Chairman.—continued.

and that has never been poisoned. There is a tradition against its being poisoned, and it has never been poisoned, and the result is that it is about as good a salmon river as there is in Kerry.

1219. I suppose something happened to whoever poisoned it last?—I cannot tell you how it is, but a tradition exists against its being poisoned. It is a very extraordinary state of things. Then there is the *Fleak*, which runs into Killybegs Lough, and that river is perfectly free to everybody to fish. When I was a boy I fished it for years. I used to fish it constantly. It is the best trout river that I have seen in Ireland, and that river never has been poisoned, but the Headford river runs into it, and that is poisoned regularly three or four times a year. I cannot tell you why one of these rivers is poisoned and the other not, but the *Fleak* has never been poisoned within my recollection. There is some tradition against it.

1220. It is a pity that the tradition could not be extended?—It is a pity that it could not be extended. There is no reason why tradition should not be as good in one case as in another.

1221. But the fact is very interesting?—Yes, and it is strange. The assumption, no doubt, would be that when such a thing happens in one case it would happen in another, but it does not. I should be very glad to give you the reason if I could. I cannot do so, but I give you evidence of the fact. If you inquire into the case of the Roughy you will find that it is one of the best rivers.

Mr. Groom.

1222. It ought to be?—But it is poisoned, and it always has been, and I cannot explain why it is that the Kerry Blackwater has never been poisoned.

1223. I think, sometimes or other, that there are a certain number of gentlemen up near Ballycounry that come across to the Roughy sometimes. I don't think there is a proprietor up there?—They never poison the other river. Out at Ballycounry there was one poisoned about forty years ago, and I don't know that poison has ever been put into the river since, but from the Roughy down there is poison, poison, poison regularly. Of course, it pays them to do it, because they get a lot of white trout out of it. I may mention that I have sold all my property on the river, but I have kept all the fishing rights, and, as far as I know, most of us have done it. In fact, I don't know any resident landlord who has not done that. Whoever has parted with his rights at all has been an absentee.

Chairman.

1224. But I understand that some vendors of property have reserved the rights for their own lives?—Yes, that is only when they have not got a son, at least I should imagine so, but personally, under no consideration would I ever give the fishing rights. I would far sooner have given them to a public body if I did not keep them myself. I would give them to the Estates Commissioners, or some body that would manage them. For instance, take Ballycounry. There are 240 tenants there, and how on earth could you deal with 240 men in fishing? Therefore, you should keep them yourself at hand then over to a public body—any body you like to name, Conservators or Estates Commissioners, or the Department, but then hand them over to some body.

1225. Of course, you have considered the thing very closely, but where such rights have been transferred to the tenants without any reservation, have you ever thought of any way in which it could be demonstrated to the tenants that combination was profitable?—I know one case on the river Slaney, where a friend of mine owns one side of it and the other side was sold to the tenants, and they got the fishing rights. My friend made a bargain with them, and bought the fishing rights for ever.

1226. For a sum paid down?—For a sum paid down—and they were glad to do it.

1227. Then you think that that is a feasible method?—That is the only way, and it is perfectly feasible if you can get them to do so. You cannot have half-a-dozen people responsible for a prosecution for poisoning, for instance. One man might agree, and the next man might not like to. Somebody must have it, either a public body or an individual.

Chairman.—continued.

1228. Then you think that that is one solution?—I do.

1229. That somebody, either above or below, or on the other side of the river, should, at any rate, make a bid for it?—Should make a bid; and the only chance that there is for preservation to become effective is a common understanding, just as happens in the case of common elms that have got up the rights of the tenants. Now, take a case on my property at Blaney that I have not sold. A consulting club approached me. I always preserve hares for their sport, and from one of them I have taken a lease of snipe-shooting on the other side, and they preserve snipe and I preserve hares, and it is a case of mutual obligation.

1230. Of course, that is a sort of arrangement that could only be made by a resident landlord who is a sportsman?—It must take time to do it, and it could only be made by either a resident or someone living close.

Mr. Colthurst.

1241. Now, do you know cases where a number of small holders have taken over the rights of fishery and where an arrangement has been made by which they have successfully conformed to the regulations of the river?—The only case I know is the one that I have been telling you of on the Slaney.

1242. That was bought up?—That was bought.

1243. You don't know any other?—There are cases where they have leased, but I know no case where they combined.

1244. What do you regard as the general tendency of small holders with regard to regulations?—Well, you see I really don't know of such cases in Ireland.

1245. We have heard of cases where they have apparently co-operated, and other cases where they have tried to deal with their fisheries individually. I wanted to know if you were aware of any such cases?—No, I have not known any cases. There may be cases, but I think it is too early to form an opinion. It would be only a speculative opinion. The only case I do know is the one on the Slaney.

1246. Now, with regard to this spurge poisoning, can you tell me what actual chemical influence it has in the water?—I could not tell you the chemical influence.

1247. You said that it will kill every salmon and every animal that is in the river?—Certainly, if they use enough of it.

1248. But could you not cut down any of it that is on the river?—If you go up the river from Blaney you will see it growing all along the bank.

1249. Would it be possible in any way to eradicate the spurge in the neighbourhood of rivers?—I do not think so. It grows up to that (Watson indicates height). It has three different colours, and it is awfully pretty.

1250. And then you say a good many of these fish are shipped to Holland?—Well, in this particular case. There is a case that Mr. Groom will give you evidence about. That was the case of a regular establishment that had been catching fish out of season and sending these over; but, of course, the fish had been gutted by some means or other, and they were shipped over and sold at Amsterdam, and I saw myself thirty-seven of them, one lot of thirty-seven that had been seized—beautiful fish, some spring fish, some spawning fish. This was in January, the close time.

1251. Are many fish, do you know, sent to London from here?—I don't know.

1252. Has there been any communication made with the Fishmongers' Company?—Oh, yes, they are always in communication with the Fishmongers' Company.

1253. Is there cold storage?—There is a cold storage here now. I was told about it the other day.

1254. The only other thing I have to ask is about the auxiliary water benefits that you say several of the tenants employ. Have they any connection with the Board of Conservators and their superintendents?—No, as a rule not.

1255. Will they work with them?—Yes.

1256. But that is merely a matter of arrangement amongst themselves?—That is merely a matter of arrangement amongst themselves.

1257. There is no regular understanding; they are not sworn in as bullies under the Board of Conservators?—No; they could not be, and they are not.

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SIR GEORGE COLLYER, Bart.—continued.

[Cont.]

Mr. Green.

1256. I think, Sir George, you said that in one of the recent cases of poaching here there were a number of men caught?—Yes.

1257. And the men were caught?—Yes.

1258. The men were not men that had facilities from landlords, or anything of that sort?—Oh, dear no; they were a gang of notorious poachers whom we have been trying to catch for a long time.

1259. Regular poachers?—Yes, and two or three of them worked as gillies to a fisherman here. One of them was actually employed by a soldier who had got a red on the river below.

1260. I suppose he was seeing the salmon so often that he thought it a pity not to catch them?—Oh, we had been watching these men for some time. They had been convicted before, but they had been able to upset the conviction.

1261. Is there much of that kind of poaching going on?—There is a great deal more than they say there is.

1262. Has it become more common recently?—No, I think there has always been a certain amount. Nothing but watching can stop that.

1263. That is more in the lower part of the river. The upper parts of the river are too rocky and stony for netting?—Well, they are always trying to do it below the weir. I do not think they have succeeded. They have not done much harm this time, because they have been very well watched; and then up above that, I should say from Scarna up, nearly as far as Ross Bridge, in fact, we all know that there are nets in this place, and they are not kept there for nothing.

1264. Up along the Sullane have the properties been sold?—I could not tell you.

1265. Under land purchase?—There is one bit of the Sullane where property has been sold, and I think the rights of fishing have gone to the tenant, but mostly where the land has been sold the fishing rights have been kept.

1266. But in the case of some lands that have been sold, the vendor has retained the rights for his life

Mr. Green—continued.

only?—Exactly, there is one case I know of, but that is a case where the vendor has nobody to succeed him, and then, of course, the question will arise, when anything happens to him.

1267. Are not there a great many fishings on the lands of that owner?—There are.

1268. And they will be divided between a number of tenants in time?—They will.

1269. Is there any tendency on the part of these men to combine into associations?—Not that I know of. I hope they will. The only chance is that they should combine and sell to somebody.

1270. And sell to somebody?—And sell to somebody.

1271. You do not think it is possible to make the people on the spawning beds interested in the fishing?—I am afraid not. They get no advantage out of it whatever, you see.

1272. And there is no way of giving them an advantage?—None whatever, because the fish are not available. No fish, for instance, taken in the Sullane in July is worth the eating. It has been in the river too long. No fish high up in the Sullane is ever worth having at all.

1273. And you do not think that the development of trout fishing, or anything up there, would make it worth their while?—I am afraid not.

1274. So that it comes to this, that there must be funds for protection?—Exactly.

1275. And that is the only way to save the spawning beds?—That is the only way to save the spawning beds.

Mr. Colderwood.

1276. Are the fish well distributed over the spawning beds?—Yes, they are. They run right all over the place.

1277. How far do they go up?—They run up fifteen miles from Maureen, and they run up the Sullane and all the rivers coming into it.

1278. And the lake fish go to the top waters?—Yes.

MR. SAMUEL HAYNES, examined.

Chairman.

1280. You reside in Cook?—Yes.

1281. You are an elected Conservator of this district?—Yes, for the upper waters.

1282. One of those elected by the licensed rods?—Yes.

1283. You have taken an interest in this question, of course?—Yes.

1284. You are intimately acquainted with the circumstances of the case?—Every bit of it.

1285. And, I presume, you are an active Conservator?—Yes, I think I am one of the most active.

1286. We received evidence here yesterday from Alderman Dole, and he said it was the opinion of most people that the Conservators could do with more money?—A lot more.

1287. At the same time, they are fairly in funds?—Well, they happen to be, through the energy of one or two members, for the past couple of years. That may drop.

1288. Now, the question of the Lee divides itself into two parts, and one relates to the upper waters?—Yes.

1289. As regards the upper waters, the questions raised there relate, I presume, to poisoning and the killing of spawning fish?—Yes, that is so, and netting; a new system of netting.

1290. In the upper river?—Yes, that is getting more prevalent every year; in fact I don't know how it is going to be stopped. Shall I tell you about this?

1291. I should like you to tell us if you have considered this subject, and in the way that you would like to convey it to us. Just be good enough to give it to us in your own shape?—Well, of course, in the system of poisoning and of killing fish there has not been much change. That is simply done with chloride of lime, or with sponge, or with ordinary lime. That is the old system, and I don't think you will find any improvement in that, but they have an improved system of netting. The system of netting many years ago was with a drift net. They simply took a sweep

Chairman—continued.

of the pool. They could not do that with every pool, because they should clear it out first of any rock or anything of that sort that would destroy the net. But of recent years the drift net has got into the upper waters. It started first at Ballinacully, and there is one of our men here that can give you more evidence about that than any man in Ireland, because he lives there, that is Mr. Walsh. First one or two chaps there started this system of drift netting, and they found that they could sweep every fish out of a pool in about five minutes. They kept it to themselves for a bit, but then they would get, perhaps, four or five in a gang, and they might work for a year, but they very soon caught and broke up into two gangs, and then they got another net, and the original men would hold their own ground and the others would move on further.

1292. What is the length of this net?—It is a short net, the width of the river. It may be anything from twenty to thirty yards. It costs about five or six shillings. They have generally four men working it, two on this side of the river and two on that, and they simply have a piece of cord attached to the net and they will throw this from one side to the other, and the men on the other side will pull the cord and pull over the rope of the net.

1293. Then there is a cord across?—There are the two ends on the two sides of the river. They have a piece of twine and they throw it over to the men on the other side, and they get hold of the piece of twine and pull the rope of the net across the river, and they will pull the net also across the river quickly, and then they walk down the stream as fast as the stream and they get every fish.

1294. What is the depth of that net?—Generally about twelve feet. It may be fourteen feet.

1295. Twelve or fifteen feet?—It depends on the part of the river that they have to fish, and they must have it in a stream, not in a dead pool. They use it to fish in a stream where you have anything from six to ten feet of water.

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MR. SAMUEL HAYNES—continued.

[Cont.]

Chairman—continued.

1297. How is it sunk?—By leads.

1298. Is the bottom of the net not doctored with anything like *lure*?—Oh, no, that is another system of getting the fish. They will put *lure* on a rope and they will beat them into the net.

1299. Then, ballasted as it is, with lead, at the foot, it is really a sort of drift net used in a different way?—Yes, they are worked in it. They are all caught by the gills. The net will go up against the fish, and, of course, they do get a lot of fish. There are a certain number that will always drop back and escape.

1300. And that system of setting is spreading gradually?—Of course, they are doing it gradually. This system is being used in the river from Carrigrohane Bridge to the end of the Dupey, and I am afraid that it will reach the whole of the river from end to end in another five years, and I do not see any means of stopping it with the present funds at the disposal of the Board. Last year we put in nearly 100 stakes in the river from Inniscarra to Dupey, and we find that the majority of the stakes have been pulled out again in many places, but it stopped it to a certain extent. The summer they will probably be all taken out.

1301. Stakes would be even better than stakes?—No; stakes would be of no use, because if the net strikes a stone, they have only to pull the rope tighter on either side, and they raise the net up, but with stakes they can't.

1302. Is that netting done at night or by day?—Oh, by night; always by night; and they will fish a stream in about six minutes. They are on this bank and they are off at again in ten minutes, with the stream finished.

1303. Where do the fish go to?—Into the market here. You cannot stop them.

1304. Are they sold openly in the market?—Openly in the market.

1305. There is not an interested receiver here who encourages them?—There is, and supplies them with nets.

1306. With their nets?—Oh, yes, their nets. The Inspector will give you the evidence about that. Inspector Walsh will tell you they keep them supplied with nets as fast as they can be taken or torn, on the understanding that they will sell the fish to them.

1307. This is an unlawful instrument?—Yes. We found two men at it the other day.

1308. You found them in the act?—In the act, but you can't catch them. That is the difficulty, because they simply drop the net and run, and then if you wait to collect the net the men are gone, and if you chase the men the net is gone when you get back. You may catch the men, but you will get no conviction before the present magistrates.

1309. Then you regard that as a very important unlawful method of taking the fish?—Oh, certainly.

1310. Now, have you anything else to say about the upper waters? We said we would deal with the upper waters first, and perhaps you may have something to say as regards the protection of the fish in the spawning time?—Well, we say we cannot protect them—that is, the Board of Conservators—in the present state of the funds of the Board. We have a certain amount of money, and we have just either to protect the tidal waters and send some fish up to the red anglers or protect the spawning beds and send up as fish to the red anglers. Now, if we don't send up fish to the red anglers we get no money at all for protection, and if we don't protect the tidal waters from the drift nets neither the drift nets nor the red men will get any fish worth taking out, and neither of these will contribute anything towards the protection of the river if they don't get fish, and by the time we are finished with the tidal waters our funds are gone and we have nothing left. We have badiffs stationed at Inniscarra and Carrigrohane, and we might as well expect them to fly as expect that these men could come with the present-day scientific poacher. We should have at least twenty men there, and we should have them working in pairs there. Two or three won't be of any use.

1311. Would that be all the year round?—No.

1312. You would want three for the season?—You would want them from February to April on the lower waters from Dromer to Carrigrohane, where they do this netting, and then you will want them to work at other points. In the spawning season, when the water

Chairman—continued.

is beginning to get low, they will appear, and poison, and strike-haul, and dynamite, and take them every way they can. Every farmer that lives on the bank of the river up there remembers that every salmon there is his, and that he is at liberty to kill those fish and put them in a barrel and sell them, and if he can sell them he will.

1313. Can you give us any suggestion as to how the state of things can be remedied?—I take it that the income of the Conservators is derived just from the collection of an assessment and next from contributions?—Witness—What do you mean by assessment?—is it the £27 10s. a year?

1314. The assessment on the valuation?—That brings in only £27 10s. a year.

1315. At any rate that is one source, and, insufficient as it may be, you do collect that rate?—We collect 10 per cent on the rateable value of the fishing. I have it here. I have now the rateable value of every fishing on the river. I have the rent recovered from that, and I have also the subscriptions which are given voluntarily by each of those individual people on the river, and if you look at that you will see how meagre it is.

1316. I want you to tell me, as you are intimately acquainted with it, how your income is made up, and as to the amount, if you please. The amount you collect on the rateable valuation is how much?—Well, I have the figures of that. £27 10s. a year I think it is.

1317. Roughly?—Roughly. I think that is what it is. 1318. Then you receive contributions from either the tenants or owners?—Voluntary contributions.

1319. And those amount to how much?—Well, that varies. I could not very well tell you what the voluntary contributions amount to, but I may tell you what they came to last year. The voluntary contributions last year came to £125, not counting the grant of the Department.

1320. That is rateable assessment £27 10s., and voluntary subscriptions £125. And you get a contribution of how much from the Department?—Either £150 or £250. Last year £250. The year before £150, I think it was.

Mr. Green.

1321. And this year you get more?—We have got nothing more. We are promised, and I am trying to work for it now.

Chairman.

1322. Is there any other source of income?—Nothing but the license and fines.

1323. What do the license and fines amount to?—Our draft net license are increased. They have increased each year since 1907. There were 30 in 1907, 35 in 1908, 44 in 1909, 50 in 1910, and 53 in 1911. There is an increase of draft net license this year owing to the protection of the lower harbour.

1324. How much this year?—58 so far.

1325. Now, red license?—In 1906 we had £158.

1326. Give us this year?—Well, I could not say this year.

1327. Then last year?—£104, that is, red license; and 58 draft net license.

1328. Give us the amounts, please. You know what the amounts are, don't you?—I have only got the number of licenses.

1329. At any rate, that comes to about £700 a year?—Well, I think, roughly, about £700.

1330. Now, Mr. Haynes, have you considered this subject with a view to making any suggestion as to how this income of the Board of Conservators might be increased?—I have.

1331. Well, would you let us have your suggestions?—My idea was that it is only by the energy of one or two members of the Board that we can raise this money and that we get the grant every year, and if you took out those one or two members you could not get any at all; and it appears to me that very few of the people on the upper waters have sufficient interest in the fishery to give money unless it is dragged out of them by brute force. Well now, a few who do take an interest in it pay for those who sit tight, as you can see by the subscriptions there for five years; and my idea is that to get at this money the formation of the Board might be greatly altered. I think that every person that owns a fishery on a

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MR. SAMUEL HAYNES—continued.

[CONT.]

Chairman—continued.

river, let him be a tenant farmer or a gentleman, should have a vote, either one vote or in accordance with the reasonable value of his fishery (of course, you cannot give much interest in it to a man who might be rated for practically nothing) and the Board of Conservators should be formed through the voting of these people, and let a number of men be elected by the absolute owners of the fishery. I say there should be no ex-officio Conservators, because it is not fair. It both upsets the present work of the Board, and it is out of all reason. You have one of the biggest owners or proprietors on the Lee river, and he has not a voice on the Board of Conservators, simply because he is not a J.P., and I could mention three or four who have not sufficient worth of value on the river or interest in it, and who can upset anything we do, if they please, and that is not right. I think that the owners of the fishery should elect gentlemen to represent them just as a corporation of a city is elected, and that the net men who take out licences in the tidal waters should also elect so many men, each having voting power according to his interest in the river, and that those men so elected should form the Board, and no one else, and that they should be the representatives of the upper waters and the lower. They should make their estimate of what would be required for the service of the year. They would know roughly what their income would be, and they would know what was necessary to be done, and they would strike a rate, and whatever the amount might be it should be levied by the authority of law, and everyone on the river should pay their fair share, net men and all; and I do not see that you could do it in any other way. They cannot object to it, because they can settle that practically themselves if they like to give the robes just the same as a corporation. The paper I hand in gives the names of the owners of all the fisheries on the river and their reasonable value, the rents they receive and their subscriptions for five years. That is the only way in which, in my opinion, you can get at it.

1342. It really is a change in the constitution of the Board of Conservators in the empowering of them to form an estimate and strike a rate upon that estimate?—Exactly, and if that is not done the river will deteriorate for want of funds, for you will not get the rod anglers. Of course, all this money that is got from the rod anglers would cease. The circumstances here on the Lee are exceptional. As long as we get those fishermen to subscribe we get the assistance of the Department. They subscribe, but they might cease, and then we would go back to the old thing again.

1343. Does it strike you, Mr. Haynes, that under your plan, in the event of the fishery rights passing to a larger number of tenant proprietors as small proprietors, these men would have a voting power equal to that of the large proprietors?—But I did not mean that.

1344. You did not mean that?—Oh, no, no. I say that they should have a voice in proportion to their right.

1345. And these would be plural votes?—Oh, of course, because a man rated at £10 would have so many votes, and a man rated below a certain thing would have no vote at all. He must be asked up to a certain thing to get a vote.

1346. And there would be a special franchise?—Yes, and when it gets into the hands of the tenant farmers, my experience, in taking some fishermen, leads me to conclude that they would be quite in favour of the protection of the river, so long as it is in the day time, but I do not say for a moment that any poaching is done in the day time.

1347. Have you taken any of those fisheries from tenant farmers?—Yes; there are seven tenant farmers into whose hands fishing rights would pass on the death of Lord Ormskirk, who is a very old man.

1348. And have you taken the fishing rights on lower?—On lower.

1349. At so much a year?—At so much a year to each farmer.

1350. Did you make any proposal to them to purchase the rights?—No, I have not done so.

1351. Is it a long lease?—Oh, yes, it is a fairly long lease.

1352. You had no difficulty in accomplishing that?—Great difficulty. In fact I practically failed with one. I had great difficulty.

Chairman—continued.

1343. Then there is one standing out?—There is one standing out—to a certain extent the greatest difficulty. Simply you have got to give them far more than it is worth just to keep it. I know I had to do it for the sake of the river. I had to pay them far more than it is worth; and, besides that, I do not expect that they will give one penny towards protection. I have to do all that now. You have a number of farmers along the upper waters, and you have a lot of new farmers—one, two, three, four, five, six—about six, about Macroom, all getting from £7 to £25 a year, and they will not give a penny towards the protection of the river.

1344. But they are letting to fishermen?—They are letting to fishermen.

1345. And, of course, you would not fish it yourself?—Oh, yes, it is my own fishery.

1346. And would you let it?—Well, I might let it or I might fish it, but I took it for my own fishery. I have been fishing it for the last twelve years. I had a lease of it from Lord Ormskirk. Lord Ormskirk was giving £4 towards the protection of the river and I got another £4 to it, but if you asked the farmers for £4 between them you would not get a penny, and there is one difficulty that will arise when some of these farmers get a hold of it, that you will have no means of getting money for protection from them.

1347. Would you get it from their tenants?—You would have to get it from the tenant, or else the fishery is of no value, or the tenants may get sick of it, as some of them are at the present time on the river. For the last two or three years the value of the fisheries on this river have gone up since the Board of Conservators have taken such energetic measures for protecting the tidal waters. They have spent a lot of money and raised a lot of subscriptions, and that has increased the value of the rod fishing. And now, if you took away the two or three members of the Board that are doing that, the fishing would go down straight away. The value will go down, but the farmers, when it goes down, won't understand it. The farmer is not fisherman enough to see that it would pay him to give anything for the protection of the river. He never saw Queenstown, and he never saw Cork Harbour, and he thinks the salmon will do as they did in the past, and swim up the river to him; and I was speaking to a couple of them the other day, and neither of them had ever seen Queenstown in their lives, and I asked one of them about nets 400 yards long in Cork Harbour, and he did not understand it.

1348. Then you suggest that these men do not understand the necessity for protection from the sea up?—No.

1349. And that they do not see to anything but their own affairs and expect their tenant to contribute anything that may be necessary for the preservation of the fish?—Yes. They say if the tenant likes to do it, well and good, but the tenant is not going to do it for the man alongside of him. That is what we are up against now. I am paying for the protection of the fishing all round me. No one else gives a penny. I do it for my own interest, my own support, but they do not. They say that I must do it. But it is not fair. Give us an equal rate, and if we had about £500 or £200 a year more in our river we would bring in about £4,000 a year more into the County of Cork on account of the river. For the last couple of years, I venture to say, there are English people coming over here—that is, people on the upper waters, not the owners of the fishing, but visitors to hotels—and I should say there is at least £7,000 to £8,000 a year more spent in the County of Cork in the last two or three years than there was previously. That has all been spent with the hotel people, etc. I know an instance in which there are two or three gentlemen on the river at present that have been there for two or three years, and they are spending, I should say, between £100 and £200 a week. One gentleman here has about thirteen servants; he has got four or five motor cars, and he has got a house full of friends, and he takes a big house in the country. The moment the fishing has ceased out he goes. And he helps generously in money. I ask him for a subscription and he always gives it to me. Still he is paying the full price of his fishing.

1350. Well, now, have you any other suggestion to make?—About the lower waters?

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MR. SAMUEL HAYNES—continued.

[Cont.]

Chairman—continued.

1351. You have told us about the lower waters, too, and you are obliged, of course, to protect the lower waters?—We are obliged to spend all the funds we have on the lower waters.

1352. To let the fish up?—To let the fish up, and if we don't do that, what can we do? We get nothing, and if you don't get your fish you have no protection at all, and you are not helping the fishing industry about the place; you are simply helping these well-to-do people on the lower harbour who employ boats, and I dare say if I am given twenty-four men and six boats I won't allow one salmon out of 500 to pass into the upper waters. I know the harbour well. I live there for three or four months in the year, and in the harbour we can tell exactly where the salmon run. Give me 400 yards of drift nets in Cork Harbour, and I won't allow practically a salmon to pass into the upper waters till the month of May, till the water begins to get clear, and even then they can't pass to the upper waters, because the water gets too low there, but they will pass to the Wellington Bridge, and then they will be hauled out with the net, so that there will be no salmon getting to the upper waters except those that run between January and the 1st of February, and those that will run in the autumn floods, and the red anglers will get nothing, or practically nothing, and the drift-net fishermen are simply done for.

Mr. Calderwood.

1353. Is the weekly close time well observed in the estuary?—Well, it is observed as well as it is possible to do it with the funds. You see, there is a system of nets on the river which is what we call a scowge net. I can't find any definition of it at all. It seems to me that it is a net that is made up of anything.

1354. Is the weekly close time observed, that is to say, that there is no fishing between Saturday, when the nets come off, and Monday, when the nets come on—are the fish able to pass through that estuary before the nets come on?—If you had a favourable wind. As a matter of fact, we don't consider that the drift-net fishing does very much damage. They get their properties of the fish, and they leave the rods to get their properties of it—a very equal divide.

1355. How far up does the drift net work?—It works up to the waterworks.

1356. To the bridge below the waterworks?—Yes, the Wellington. When the water gets so low that he can't get over the weir every fish is killed, weekly close time, and everything else. He has no place to go to.

1357. That is just a little beyond the limit of the net?—No, he stops at the limit of the net. But when the water falls off no more salmon can pass up the river, and every salmon that comes in will be killed by the nets till we get the floods. There is no escape for them.

MR. GEORGE FORTIN, examined.

Chairman.

1370. You are an inspector of the Board of Conservators?—Yes, sir, in the Cork District.

1371. In the Cork District?—Yes.

1372. How long have you been in that position?—I'm in my third session—three years, about three years.

1373. Are you a native of this part of the country?—No, sir.

1374. But still, after your three years' experience, you have acquired a perfect knowledge of this area over which the Conservators act?—Just so; yes, sir.

1375. Both the upper and the lower waters?—Yes, sir; I have been all through.

1376. How many men have you under your charge?—There are three men on the upper waters, sir, and we had nine reduced to five, men in the lower harbour.

1377. That would be eight altogether?—That would be eight altogether.

Mr. Calderwood—continued.

1358. Then, any change in the Board of Conservators, such as you are suggesting, would not be very easily accomplished. I mean to say, that you are a statutory body, are you not?—Yes.

Mr. Green.

1359. With regard to the angling part of the river, what proposition, do you think, will pass to tenant purchasers as compared with the fishing that will be retained?—Well, at present there are about four or five fisheries that you may say belong to gentlemen. The remainder of those fisheries belong to farmers, more of them, I take it. I don't know how they acquired them. They are simply farmers working on the fields, and it appears to me that they have got those fishing rights for a number of years. Whether they originally bought or not I do not know, but for the last ten or fifteen years or more this fishing has been in their hands, and they may now have bought it under the Land Act. I could not tell you. There are several of these here. There are two farmers here, working. (Witness refers to document.) They have lots of land adjoining the river.

1360. They are tenants still?—Well, they have the fishing, and they can let the fishing, and they are, somehow, letting the fishing on lease, but I don't know under what rights. I never asked them. There is Mr. Richardson, a farmer, and Murphy, a farmer. None of these men have ever subscribed, or do subscribe a penny to the river.

1361. Lord Ormonde's fishery will pass?—Lord Ormonde's fishery passes to seven tenant farmers at his death.

1362. Are there good fishings there?—If you worked them up. It is of no use. I am keeping them together by paying a fancy price for them.

1363. On the opposite bank who has the fishing?—Mr. Thomas Clarke has part of it.

1364. And he has sold?—No, he lets there, and he fishes himself or lets it. He lets it generally at £25 a year.

1365. No competition arises from the people on the opposite bank fishing in the same pool?—Not the least. You mean one rod or another.

1366. One rod, the same place, the same day?—Never a bit of trouble about that kind of thing.

1367. How is the trouble avoided?—I don't know, but it has not occurred. You fish a bit here on one side, and the man on the other side fishes opposite, and we never have a word on that subject.

1378. And when the river has been acquired within the law, do you not think there would be difficulty?—That depends upon whether you have a sportsman opposite you or not. If you get a sportsman he is always ready to give and take. He is always ready to say, "Well, I will fish this place up to one o'clock, and you fish it after one o'clock."

1379. That is, by mutual arrangement?—Yes; we have no trouble on the Lee. I never have heard of a case where there was any trouble of that kind, but I know it occurs on the Blackwater, or it has occurred in one or two places.

Chairman—continued.

1378. Do the men in the upper waters ever assist the men in the lower waters, or do the lower water men ever go to the upper waters?—Occasionally we take men from the lower waters and put them on the upper waters. As a rule there are only three or four men on the upper waters in the spring and the summer.

1379. Are those men employed all the year round?—No, sir.

1380. For what length of time are the five men below employed?—Well, I think this year we have had nine men down in the lower harbour for about three months. These we have reduced from nine to about five now, and in about another fortnight we will have to be putting them off for want of funds, because we won't be able to keep them on, and then we will have three men on the upper waters.

1381. Now, would you give us a short description of the duties of the men in the lower waters?—The lower

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Mr. GEORGE FETTER—continued.

[Contd.]

Chairman—continued.

water men watch the boats on nights for drift net fishing. We have one launch running and a yawl running in connection with the launch, and when the launch goes down they have the yawl and they use the yawl in shallow water if they have to take off fixed nets. The nets are fixed in the lower harbour. These are very few of them we find drift nets, but 90 per cent. of them are fixed nets.

1382. How are they fixed?—Fixed by anchors and stones, fixed to vessels, and in different kinds of ways.

1383. They are fixed at one end?—Both ends.

1384. Both ends?—Both ends. Sometimes we find a piece of old iron, like the half of an engine wheel, and a stone at one end and a stone at the other side. Sometimes you will find it on an anchor, sometimes two anchors. Sometimes you will find it made fast to a vessel, pier, barge, or anything that they can find at one side and anchor at the other side, and the net is stretched.

1385. What is the length of those nets?—They vary from about 70 yards to 100 or 100. We have one net this year about 70 yards.

1386. What time, as a rule, are they set?—They are set in the night, as a rule, in the lower harbour, and daytime also, from about two hours after high tide to about two or three hours before high tide again.

1387. It must be in accordance with the tide?—Yes, it must be in accordance with the tide.

1388. And how long are they down?—Well, as a rule, I should say from four to five hours, that is to say, if no haul goes near them to take them; but they will be down about four or five hours, and then they come and take the fish out of the net; and, though it is called a drift net, it is practically a fixed net.

1389. Over what area are those nets fixed?—We have found a great many within the last two years.

1390. I want to know the area in which those nets are fixed—about how many miles?—Something about twelve or fourteen miles in circumference, from Roche's Point round to Passage, and from Passage to Monkstown—in fact all round the harbour.

1391. That would be four miles by four miles?—Rather more than that. I don't know exactly the mileage of the harbour, but I should say the area would be twelve to fifteen miles in circumference, anyway.

1392. A circuit of that?—A circuit of that.

1393. Is your launch a steam launch?—A motor launch.

1394. You say that there is portion of the harbour that it is not able to go over, that it draws too much water?—Some of our harbour here—that is, Cork Harbour—is very shallow, and the result is that we have to use the yawl.

1395. You employ the yawl?—We employ the yawl and launch, and when we get close to where the drift-net is we often find the yawl the most convenient thing for getting at the drift-net. The yawl is very handy for going in to cut the ropes of fixed nets close to the shore, and if there is any crew there the men go ashore in the yawl and have a chance of catching the other men.

1396. Are those nets conspicuous—do you see them from a distance?—No, sir, not as a rule.

1397. They are not floated with cork?—They are floated with corks, but at night it is hard to see them, but you have a grappler that hooks on to them, and the result is that the grappler lifts the net first. But on a moonlight night you can see it at a distance of six or eight yards.

1398. But it has to be lifted by the boat?—It has to be lifted by the boat.

1399. And if they were there would they see the boat coming up?—They watch us pretty sharply. These are always signals, such as lights and lamps, flashed all through the harbour. As soon as we start from Passage, for instance, as soon as we get on board to start away, all round the harbour there are signals in less than five minutes.

1400. You patrol, then, every night, I presume?—When the launch is down we patrol every night, and if the launch is unable to run we use the yawl.

1401. The launch is running at present?—The launch is not running at present, because the engine is not very satisfactory, and another thing is that we have not sufficient men to run the launch, and we have had to put the launch up, and it is idle just at present.

1402. And, of course, the yawl would not cover the

Chairman—continued.

ground?—It would not, sir, and we have to do that to keep down expenses. The launch would take three men itself, and we want five men in the yawl, and we have to rent the launch and to utilise the yawl in place of it.

1403. About how many of those drift-nets are there in the lower harbour? Witness—Do you mean at the present time?

1404. Yes?—I could not say, but there is a great quantity. Last year we caught something like 150 of those nets. We started about 150 of them last year in the lower harbour.

1405. And this year?—And this year, up to the present time, about 100 have been taken.

1406. What is the value of one of them?—We have one net at the present time worth between £30 and £40.

1407. What length is it?—700 yards.

1408. When did you make that?—Well, I could not exactly tell you the date of that.

1409. About when?—It was in the month of March—in the early part of March.

1410. Do you often have prosecutions in connection with those seines?—We have all the prosecutions that we can get. If we capture men using these nets we prosecute them.

1411. Of course, you must identify the men as using the nets?—Yes, that is the difficulty we have, because they put disguises on them, and it is very difficult sometimes to know who they are.

1412. But apart from disguises altogether you must find the men either setting the net or lifting it?—Just so, sir.

1413. Before you can prosecute them?—Just so, sir. 1414. And, therefore, the greater part of your duty is seeking the nets, but not prosecuting the owners?—That is the difficulty we have, in prosecuting the owners.

1415. You do not prosecute the owners, but you only seize the net?—No, sir, just so, sir.

1416. What class of persons own those nets?—A great many people who are at work in Hazelhulme, where they are getting wages of from 30s. to 42s a week. Some of them are drapers, tailors, grocers, schoolmasters, and publicans and fish merchants living in Queenstown and Passage.

1417. If they are attending to their business during the day they cannot be spending the whole night in setting a net and lifting it?—A good many of these people come from Hazelhulme at five o'clock in the evening, or six, and have their tea, and then fish till midnight. Otherwise they will put out the net in the evening, and take it up in the morning just before going back to work. It will all depend on the tide flowing.

1418. Do the nets belong to themselves?—Well, the majority of the nets do. Of course, nets are supplied by some of the fish merchants, and they supply these men with the price of nets too.

1419. Where do the fish go to?—That I cannot say. I believe that the men that supply the nets receive the fish.

1420. But is it not discernible at all—they must be landed and they must be marketed somewhere?—Of course. Every fish merchant in the district we find with these marked fish. The fish goes in the net like this (Witness indicates the movement of the fish), and the men just go behind his head. He gets half way through, and he works this way and that way, and he tries to get out of it, but it is impossible and the fish dies, and a great many of these fish are sent away to England. We find them with all the scales torn, and with rings round them.

1421. Are you ever retained in the discharge of your duty, supposing you come on a body of four or five men engaged in lifting one of those nets?—Well, we have been, sir. The first year that I was here we had a lot of resistance, and some of the nets were retained again from us, but the year before last we had the Constabulary, and we have had the Constabulary this year, with the result that there has been no resistance this year. Last year there were two men wounded in the lower harbour at Hazelhulme. A fixed net was taken, and the fish went in the yawl to lift it, and shortly after taking the net four boats came out and fired a number of shots at us, and the result was that we did the same, and two men were injured, and they came to the hospital here, and those men pleaded guilty, and were bound over to keep the

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Mr. GEORGE FORTIN—continued.

[Cont.]

Chairman—continued.

1429. Have you revolver?—We have, sir.

1430. When did this happen?—Well, it happened last year, last spring.

1431. You have not been resisted since?—No, sir, but I am afraid that if we had not the Constabulary with us there would have been resistance this year.

1432. Do they always go out with you as a protective body?—They do, sir, since the shooting at Rushbrook last year, last March. This year the Constabulary have been with us.

1433. Then these men fired on you, to begin with?—They did.

1434. Four boats came out?—Four boats came out with the object of taking the nets from our men, and they fired some shots at us, and we replied to that, and the result was that two of them were injured.

1435. They did not injure you?—Well, fortunately there was none of us hurt, but the launch was struck with a bullet and there was a hole in the launch, and one bullet struck my hat.

1436. Near enough. Now, do you ever get any assistance from the Blackrock fishermen?—During the last two years there has been a society of Blackrock fishermen. When I first came here, in Cork Harbour, from Patrick's Bridge down, you could nearly walk from end to end on corks stretched very thickly here in the channel. The first year I came here the only thing I could do was to prevent the drift netting in Cork channel from Patrick's Bridge down to Blackrock, and there were several prosecutions.

1437. The drift net fishing in the upper portion of the harbour here is quite unlawful?—It is here, but there was a lot of it the first year I came here, with the result that last year the fishermen of Cork and Blackrock decided to give up drift netting, and sent a petition to us stating that they would give up drift net fishing, and that they would give 6d. for every spring fish and 2d. for every pool to the funds of the Board, provided we went down to the lower harbour to protect their interests, and we have done so, and the Fishermen's Society contributed 6d. for every spring fish and 2d. for every pool to the Board of Commissioners, and they are doing the same thing this year.

1438. Besides contributing do they ever assist you in any way?—Well, if they use a net. There have been two or three nets taken by the Blackrock fishermen themselves. They have taken two or three nets that they have seen in the harbour, and handed them over.

1439. But they do not really, as a practice, actively interfere?—No, sir.

1440. They leave all that to you?—They leave that to us.

1441. But you have not been successful in suppressing it?—In fact it will never be suppressed, as far as the lower harbour is concerned, except we get a staff of men to work the harbours throughout the whole year round, and it is impossible for the fishermen in general to have satisfaction, because there are a great number of fish caught here, and I am under the impression that a great many of these fish caught in the nets as and out of season are sent on board the *Leinstania* and *Minicellan* and other vessels, and there is a serious quantity of these fish sold to those American liners.

1442. For consumption on the voyage?—For consumption on the voyage, and I believe that great quantities find their way there.

1443. And you say that this cannot be stopped unless the harbour is looked after all the year round?—I say a staff of men as needed in the lower harbour all the year round for the protection of fish running up all the year round. The pool are running now, and the result is that in another fortnight these will not be a man on the lower harbour at all. The fish are coming up, and we won't have a man to protect them.

1444. And how about the upper waters?—We have a great deal of netting going on in the upper waters, as well as poisoning, and dynamite, and lime water. I don't think this has been quite as bad as in previous years, but it has been very bad, and nothing has increased on the upper waters. There are certain persons that are supplying short nets, twenty or thirty yards in length, to certain people up in the upper waters, and they are fishing these illegal nets, twelve inches in the round, and using them on the upper waters still, and we are unable to prevent them. We have only one man at Immacara, and the next man

Chairman—continued.

at Coachford, and the next man at Macroom, and it is impossible for any three men to watch effectively a distance on the river of thirty miles or more.

1445. But there are only a few places where that netting can be carried on?—There are several places there where it can be done, because last year a great portion of the river was bristled with timber hitches.

1446. Spiked, you mean?—We had some timber hitches put down, timber with galvanised nails. These were put down and they checked it, but some of the gentlemen in the upper waters are against our hitching the river. Some gentlemen give us permission to hitch the river, but some are against it.

1447. That interferes with rod and line fishing?—Some gentlemen think so, and some do not think it does. They say they may lose their fish, but it is far better than to lose ten or a dozen or twenty fish by the net.

1448. Have you seized any of those nets?—There were several of those nets seized. There were two seized this year at Immacara by the bailiffs and constables.

1449. You heard the description given by Mr. Haynes of those nets?—Just so, sir.

1450. And have you anything to add to that?—No, sir, what he said was quite correct. It is just that a string with a piece of glass or something of that kind is thrown across the river, and then they haul across the drift-net.

1451. Now, have you anything at all that you can tell us about the upper reaches of the river with regard to the protection of spawning fish in the tributaries?—Of course, in the winter time, sir, in the spawning season, we manage to put out or two extra men out a matter of two or three months, but I can't say that it is done satisfactorily, for a man getting 12s. a week won't do the work as it should be done. You can't expect a man paid 12s. a week in the upper waters to be out all night in the spawning season; and the money is not enough, and the man takes the 12s. a week, and that is all he cares about it.

1452. Are the men local men or from a distance?—They are local men, as a rule.

1453. They get some help from the tenants of fisheries, or the owners?—The gentlemen that hire the fisheries have to provide men for their protection in the spring, because we have a great many streams in the upper waters that the salmon go up, and there is no one, tenants or anybody else, that looks after them at all. The fish go up these tributaries to spawn, and we are unable to put men on them, or on any of those rivers, and they have to take their chance, except occasionally a bailiff takes a walk out, and on a lot of those streams there are fish taken out.

1454. And don't you estimate that it would take a very large staff adequately to protect the spawning fish?—Yes, there are needed on the River Lee itself twelve men. There is one man walking on the side of the river, with the practical result that one man won't interfere with three or four men that are engaged in poaching, and the result is that they will have the river free to themselves to do as they like.

1455. Can you suggest to us any means by which the landholders on the banks of these tributaries could be interested in the preservation of the spawning fish or the prevention of the poaching?—Of course this country is far different to England or Scotland, where the gentlemen who have an interest in the fishing, as you say, generally reside on the banks of the rivers there, and they take an interest in the fishing, and there are men looking after the fishing, whereas here, under the Land Purchase Act, the farmers are getting all they can, and are spending nothing, and they are assisting in nothing, and I can tell you that a great many of those people poaching on the upper waters are farmers' sons and people employed by farmers, and they are destroying a great deal of the river in the upper waters. So far as poisoning is done, there is not much. Occasionally there is dynamite used between here and Macroom, but above Macroom is the most destructive. There is poisoning by sprays and lime and dynamite. Everybody has dynamite. There are very few houses on the upper streams in which you won't find dynamite, and these fish find sale, and what they don't sell amongst themselves are salted and cured and hung up in the house to dry, and they keep these fish.

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Mr. GEORGE FOTTER—continued.

[Cont.]

Chairman—continued.

1448. Are there any trout in these tributaries?—Yes, sir, trout in the same streams, too, and trout are sold in the market from 4 to 4½ inches long, with the result that I find every little boy with a stick, and grown-up people too, taking these little trout 4 to 4½ inches long and selling them on our market, and we are unable to touch them, and I would suggest that there should be something done with the trout, that a limit in the size should be put on to all trout for the protection of the trout; otherwise in a short time, from the way that they are being caught, there will be no large trout supply after two or three years' time.

1449. Has that been represented to the fishery authorities at any time?—I have mentioned the matter to one or two of the gentlemen here. We have an Anglers' Society here in Cork, and they are most anxious, I believe, about the trout, that no trout should be taken under seven inches from eye to tail.

1451. Have you ever made any representation on the subject to the Fishery Inspector?—Well, as I was saying, I think there has been nothing done. I have not, myself, and I do not think anybody else has.

1452. Now, in this district that you are acquainted with, might it be possible to develop the trout fishery so as to make it worth anything?—It would, sir. The Lee is one of the finest spawning rivers, and the tributaries also, and except a very small portion about Inchagoole, which is the worst portion we have, the upper waters and tributaries are good, hard, gravelly streams all the way up.

1453. Are there any hatcheries on these streams?—No, sir, none. They are some of the best spawning grounds that I know.

1454. But you do not attach a comparative value to the different methods of destroying fish—you think that they are all bad, the poisoning and the netting, and the destruction of spawning fish, and that they all contribute to injure the river?—They do, certainly, because, when they put the sprigs into the river, it is not altogether the salmon that they kill, but it is the salmon, the trout, and the fry, and everything that is in the bed of the river, even to the insects that the fish would feed on. They are all destroyed for some time, two or three months, more or less, according to the quantity of sprigs that is put in; and besides that there are the fish never taken out. These fish decay, and thus set up disease and all that sort of thing.

1455. How long does it take a portion of the river to recover after being poisoned in that way?—Well,

Chairman—continued.

there was a portion of the river poisoned the first year I came here, and that portion of the river has not recovered since. Some of the fish happened to get out, but I believe that since the poisoning there has been no fish known to be killed or known at all in the pool for the last two years. Whatever the cause is I don't know.

Mr. Calderwood.

1456. Is it customary, then, for the men to carry rods?—I believe some of the men always carry them. We use dikes. Sometimes I take one with me and sometimes I do not. It all depends on what we expect.

1457. On what you expect?—Yes.

1458. When it is decided where you are to go?—Yes.

1459. You have the employment of the men?—I have the employment of the men.

1460. Do you ever shift a man from the lower waters to the upper waters?—Occasionally we do.

1461. Do you purposely take a man that is not very familiar with the people of that district?—I have one man with myself in Cork in summer time, and this is the man that I generally put on the upper waters, or take him out with me when I go myself, and he is a stranger to the locality.

Mr. Green.

1462. Can you tell me is the Sullane or the Lee the best spawning river?—The Sullane is very good. The salmon are sicker in the Lee than they are in the Sullane. Of course the river Lee, from where the Sullane branches off, and for some eight or ten miles, is all boggy water, but all above that again is spawning ground, and they get into the lake, and the fish get out of the lake again. There are other tributaries that are small streams in the mountain district running off the Sullane, and they are good spawning streams, and it is, of course, all more or less a gravelly bottom.

1463. Do you consider that most of the spawning ground is up there, and not below Macroom?—No, sir; most of the spawning fish are all well up in the river now, as far as the Inchagoole lake, and in that district now there are quantities of spring fish.

1464. I suppose there are spawning beds on the Lee right away up from the waterworks here, all the way up?—Yes, sir, they are all good spawning beds all the way up from here to Macroom, all with clean, good, gravelly bottoms.

Mr. EDWARD J. BRESHAN, CHAIRMAN.

Chairman.

1465. You are Secretary of the Board of Conservations?—Yes, sir; and previous to that I had been a head constable, and attached to the Criminal Investigation Department at Cork for 25 years.

1466. Now, will you give us any suggestions you have to make with reference to this matter, which you understand?—I have very little to say, sir, in addition to what was expressed by Mr. Hayes in his report. He has covered the whole thing, but I may state that I seized a lot of fish from time to time here, spawning fish, in the spawning season.

1467. Where were they when you seized them?—In transit to Germany. The last seizure I made was on the 13th of November, 1909. I seized over 85 cwt of these fish. They were all marked with drift nets and all full of spawn. I had the spawners removed from the fish, and it weighed six stone—the spawn of the fish. Early in October, 1909, I received private information that salmon packed in barrels as salt mackerel were being shipped to Hamburg via Grimsby, Harwich, and Gade. I at once communicated with Mr. J. Winchcombe, Secretary to the Fishmongers' Society, London, with the request that those ports should be watched.

1468. Where did you seize them—was it in Cork?—On board the steam packet.

1469. At Cork?—On the quay in Cork, at the steam packet office.

1470. Were you able to proceed against anyone?—Yes, I proceeded against two, and I convicted one, and he was fined £50. I had some information from time to time that fish was going as large quantities across the Channel, and I had the boats watched, and there was no result, and then I went to the Bristol and

Chairman—continued.

Liverpool boats. Penrose Quay, and watched the boats myself, and I saw herrings coming in, and on Thursday three barrels more, and on Saturday night three barrels more, and they escaped. Next Saturday I went myself to watch the boats, and I saw there was mackerel going—I suppose twenty barrels of mackerel, and I went to see the barrels, and I saw some barrels were addressed to a name in Germany, and the name was spell backwards, and I deciphered it, and I watched the barrels and no one came, and as the barrels were about to be put on board the vessel I went to the Superintendent of the Steam Packet Company and asked him for liberty, and told him I was about to seize the fish, and he said I should be responsible for the seizure myself, and I asked him for liberty to put the fish in the stores, and I employed porters and got the fish removed into the stores and opened a barrel and found eight cwt of fish in it, and all full of spawn, and they were handed over to the Conservators. I made several seizures from time to time of this fish in transit. On the 10th of March, 1909, on one fish salesman's slab I counted 120 salmon all marked with drift nets. That was on the 29th, and on the 26th there were 60, all marked with drift nets. Of course, I had no power to seize them. On the upper waters I seized a lot of fish from time to time coming in, principally in the spawning season.

1471. That was out-of-season fish?—Out-of-season fish, the greater portion full of spawn. We had one of the Inspectors over here last March, and he told me he believed the traffic was stopped since the seizure of that large quantity of salmon going to Germany, and that they have passed a by-law about not admitting fish into Germany without a passport.

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MR. EDWARD J. GREENMAN—continued.

[CORK.]

Chairman—continued.

1472. Anything else?—About the poisoning. That was carried on to a great extent. I remember in 1891 there were 160 fish poisoned in a pool, and we had a prosecution, and there were several people fined. This year I issued thirteen drift-net licences under certain conditions, to be used outside the harbour.

1473. That is outside the harbour altogether?—Outside the harbour altogether, but we have had conversations against eight of them within the last month or so that we found fishing inside the harbour.

1474. All licensed?—They were licensed, but they generalised His Excellency, and they alleged that they were forced in by the tide and wind, but the tide would not suit that at all.

1475. But are the drift-nets that you license for use outside the harbour constructed in the same way as the nets that are called drift-nets, but that are really fixed nets inside the harbour?—These nets are not fixed, they are fished as drift-nets, and they are really drift-nets.

1476. That is outside the harbour?—Yes.

1477. But you have heard the description of the nets fishing inside the harbour—they are really fixed nets?—The greater portion are really fixed at both ends. They are anchored.

1478. Is there anything else?—There is nothing else. Mr. Haynes covered the whole of what I had to say.

Mr. Caulderwood.

1479. Are the drift-nets that are used inside the harbour licensed?—There are thirteen nets licensed, but they are not for use inside the harbour. They cannot be used inside the harbour.

1480. You have issued thirteen licences?—Yes.

1481. I understand that a certain number of so-called drift-nets are fixed nets inside the harbour. Are any of these licensed?—I can't tell.

1482. But if they are licensed they must be in your district?—They must be in my district, and they are fishing illegally.

1483. What time of the year do you say these fish were going to Germany?—On the 15th of November.

1484. That is in the close time?—Oh, it is. The close time is from the 15th of August to the 31st of January.

MR. JEREMIAH WALSH, examined.

Chairman.

1495. You are head water-bailiff under the Board of Conservators?—Yes, sir.

1496. Are you a native of this place?—Yes, sir; not of Cork City, but of Ballinaclogh; that is about six miles from this.

1497. As head water-bailiff, what is your particular duty?—For the last two years for the four months of the spring, that is, this year and last year, I was employed in the harbour in charge of the launch boat's crew down there.

1498. Is the lower harbour?—In the lower harbour. It was my duty to watch the whole time there.

1499. Were you engaged the whole year at that?—Not at that, sir, but I was engaged on the upper waters then.

1500. For what length of time were you engaged on the lower waters?—Four months.

1501. What were those four months?—Last year I went down there on the 22nd of January and I was employed in February, March and April, and for the first fortnight in May. Well, I went down on the 22nd of January this year, and I am employed up to the present there now.

1502. We heard that you had four men under you there?—I had eight with myself at one time.

1503. How many have you now?—Only four men and myself.

1504. Occasionally that number is increased?—Well, that would want to be increased.

1505. But occasionally it is increased?—It is, sir, yes.

1506. You have a yawl and a launch?—Yes, sir.

1507. Is the launch in the harbour now?—Not at present, sir.

1508. Well, considering the area of harbour that you have to look after for these nets, the yawl, of course,

Mr. Caulderwood—continued.

1485. So these were all fish taken out of season?—Yes.

1486. What part of Germany did they go to, do you know?—Hamburg; and then there were a good many that I got information of afterwards privately that were sent in small boxes and shipped as butter.

1487. From Cork?—From Cork. I had to follow them to a stable. A company of fishers took a stable, and all the fish they got they had them used in the stable, and they employed one of those vans to send the fish to the station and to the Steampacket Co.

1488. Do many people put fish in cold storage here?—Well, they do. The legitimate people do.

1489. They do it legitimately?—They do, yes.

1490. Do you have them marked at all by the Fishmongers' Company?—No, sir, we do not.

1491. You don't get scale put on them?—Oh, no, this is only the dealing of the men with the buyers. They sell them to these buyers, and perhaps by the 18th of January every fish that is killed these people bring in and sell to the fish-buyers, and they use them and they keep. I used to use them myself, and I found they kept six weeks. A lady had a salmon under her clothes in a tramcar one day, and I noticed by her movements that she was concealing something, and when the tram stopped I said to her, "You know who I am. I cannot search you, but I will bring you to the bridewell and get the female searcher to search you," and then she gave up a salmon 38 lbs. weight, and I kept that in cold storage for nearly four months.

Mr. Green.

1492. That netting in the fresh water portion of the river is rather a new thing?—Oh, it is a new thing, but they used to net frequently at the new steam.

1493. But this plan of walking down the bank with a drift-net is quite a new thing?—Well, it is. To walk along the bank is. There are no drift-nets there, but drift-nets with large meshes.

1494. But from your knowledge drift-netting has increased?—It has increased. I believe it has increased in the upper waters. There is any amount of these fish coming in from time to time.

Chairman—continued.

does not cover the ground?—Well, I prefer the yawl, sir. Between Blackrock and Headbarnes I would never do anything else only the yawl, because I would do better work in the yawl than what I would do in the launch.

1509. But that only forms a portion of the ground that you have to cover?—Oh, yes, you can't do the work in the lower harbour without a launch. You could not. It is impossible.

1510. Then there are portions of the lower harbour that the launch cannot go over owing to the shallow water?—Yes, but, that is about an hour and a-half before the full tide. It takes you all your time to pick up the nets along the flats; in fact, your yawl can can hardly travel into where they set the nets. I pick them up from the dry mud, because they set them near the shore, because the salmon is not a deep-water fish and he makes for the shallows. The net only fishes eight feet deep, and then they only have the new portion close to the shore, and they will have the worst portion of the net on shore, and if there is any stray fish that comes along he poses it, and he can't see the net and he is covered then.

1511. You more frequently make seizures of nets than you make people amenable for the use of the nets?—Yes, sir, if I get the chance, but the way they work the thing down there makes it impossible.

1512. But you frequently are able to seize the nets?—Yes, sir.

1513. But very seldom are able to find people absolutely in the act of using them?—Only on three occasions this year, sir.

1514. Did you get convictions?—I got two convictions, and one is coming up here for trial.

1515. Now, exactly, did you come upon those people when they were using the nets?—They were in the

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MR. JEREMIAH WALSH—continued.

[Cont.]

Chairman—continued.

outer harbor, but they were within the limit. These fishermen got a license and they got a privilege, or, at least, I was asked to allow them outside the limit. I let them fish outside the limit. Well, they were never getting a fish outside the limit, and unfortunately I caught them fishing inside the limit.

1515. Were those people that you this discovered fishing within the limit licensed?—Yes, sir, licensed.

1517. Then, in point of fact, these convictions were not of people that used those fixed nets in the harbour at all?—No, sir, because you can't get at the people that fix those, for they drop them down at night, and the minute the fish strike the net if they see the coast clear they pick the fish out. In fact, they go to where they leave them standing there at night.

1518. So it is at night, you have never been able to drop upon them for the purpose of prosecution?—I did, sir.

1519. When?—Last year, sir, at Passage.

1520. How did you do it?—I just came up with the boat before they could get this tackle of the net in. They might have a portion of it in, and I went out with the boat.

1521. You heard the evidence that was given about the lower waters generally by Mr. Hagues, and by others?—Yes, sir.

1522. You agree with that?—I agree with it, and I think, sir, that I would like to say another little thing, and that is about the lower waters, but that is only a portion, and it will be a pretty difficult matter to do it for the coming season, and that is that the net men I had up and prosecuted, and had fined, told me that they would never take out a license again, and they would cling together, and no police, nor any man, could interfere with them.

1523. That is to say that they would use force?—Yes, sir, and that is what I expect, because I have plenty to prove it.

1524. That instead of taking out licenses they intend to resist the law?—Well, the same as usual before, sir.

1525. So that the difficulty will be increased. Well, have you any suggestions to make about that?—I don't believe that the Conservators, with their present staff anyway, can have any chance of managing that.

1526. These people did not do very well when they brought out revolvers before?—Oh, well, they did their best.

1527. They did not do you much harm, and you shot two of them?—Well, we put up with a great deal. They fired twenty times at us before ever a man of us fired. On four different occasions they did that, and we would not interfere with them.

1528. Now tell us about the upper waters?—Well, I spent all my lifetime in the upper waters, and there is one thing that I would suggest, and it is this, sir, that when the fry are coming round they should be protected. It is not the youngster that goes about with a rod that is the destroyer of the fry. He may kill two or three, or perhaps a dozen, but it is the gulls that come up that do it, and the very minute there is a shoal of fry passing through the shallows they are blotted out. There is not one of them when they are just coming to a proper stage of growth that is not, at that very time, blotted out of existence by these gulls. There are thousands of these gulls on the shallows at the present time, and there is no one to look after them, or to protect the fry as they pass to the shallows. They watch them, two or three hundred of them at a time, and just as the first little fry makes a bubble they are all cleared out.

Chairman—continued.

1529. At what season does that occur?—It is occurring at present.

1530. At what season, for what length of time?—During the latter part of March, April and May, and then all those gulls pass away.

1531. Does that occur at several portions of the river?—It does, for miles or ten miles of the river. I know that.

1532. That is from Cork upwards?—Yes, sir, between Cork, I would say, and Dragey.

1533. Did you ever represent this to the Conservators?—I have spoken to them about it.

1534. Has any step been ever taken?—Oh, yes, sir, there was.

1535. What was it?—There was a gun got to frighten those birds off, and then the gun was missing again, or, either, the men did not employ it.

1536. Now, have you anything else to suggest?—Well, as regards the spawning fish, there are two great portions of the river. One is at Lismacara and the other near, what is called Mr. Connell's ranch, and there are more fish spawned there in the month of January than, I think, are spawned on the whole of the rest of the Lee. They actually plough up the whole place, I may say. Two or three or four hundred of them go up scattered all over the place. It is just in the month of January, sir. We won't see it a bit before then. They all head at the one time. You would not know there would be fish there at all, but then you will see the whole place all littered with fish and they all working in the portion of the Bride, what they call the Boat Hole to Kilmurry Weir. It is one of the best little spawning rivers in the whole place, and there is not a man at all there. I heard one man boast that three or four hundred spawning fish were taken out of that in spawning season.

1537. And are you, as head water-hauler, not able to put a man even for any length of time there for this amount year after year?—No, sir; I have no power. I have only just to do as I am ordered myself, to go where I am told.

1538. Now, have you anything else to tell us?—With regard to the Bride, I think it would be well if there were two men kept there. It will never do for a man to leave it. When they see a man leaving off everybody cleans out, and it will never be unless there are a couple of head men living on the spot and unless they are kept there to protect these spawning fish.

Mr. Calderwood.

1539. What sort of gull are those you are complaining of?—It is the grey gull, the seagull.

1540. Have you got black gulls?—No, sir, they are the common grey gulls.

1541. Have you seen them lift the young fry?—Yes, clear off the whole little shoal time after time.

1542. Have you heard of anybody examining them?—I have shot them myself, and the minute I shot them, and with the impact of the shot, they voided up three or four of those little things.

1543. What was the fish?—Clear, bright little salmon fry, something between 4½ and 5 inches long.

1544. Has anything been done at all to exempt those birds from the Wild Birds Protection Act?—No, sir, you are not allowed to shoot them.

1545. But is not it possible to get the County Council to schedule them?—That is a question that I could not answer, sir.

1546. About the drift-nets, you say the drift-nets fishing in the harbour are eight feet deep?—Yes, sir.

1547. What depth are the nets outside the harbour?—They are the same, sir. They are all the same.

The Committee adjourned.

FIFTH PUBLIC SITTING.

MONDAY, 15TH MAY, 1911.

At 11 A.M.,

At the Court House, Macroom.

PRESENT :

THE RIGHT HON. SIR DAVID HARREL, K.C., M.P. (Chairman).

THE REV. JOHN PENTLAND MAHAFFEY, D.D., LL.D., C.V.O.
MR. W. L. CALDERWOOD, J.R.A.S.

MR. W. S. GREEN, C.E.

MR. R. H. LEE, Secretary.

MR. RICHARD C. WILLIAMS, EXAMINED.

Chairman.

1848. Mr. Williams, you reside at Macroom?—I do, sir.

1849. And I believe you are an elected Conservator for this district?—I was an elected Conservator for this district, but now I am an ex-officio member of the Board.

1850. I presume that your knowledge of this river is very good, particularly as regards the upper reaches?—Yes, sir, from ten miles down to twenty miles up, about thirty miles; that is from Conifield to Macroom, and from Macroom to Gougane Barra on the one side, and from Macroom to Ballyvaughan on the other.

1851. You are acquainted with the circumstances of both the Lee and its tributaries?—The Lee and its tributaries, both the Sullane and the upper Lee.

1852. The Sullane is the main tributary of the Lee in this district, is it not?—Oh, yes. There are some outside tributaries of it that are, more or less, trout streams, and spawning streams in the spawning season.

1853. You have had experience of this river for many years?—I have had, yes.

1854. You are a fisherman yourself?—I am not a fisherman, but I am an extensive leaseholder of waters.

1855. On both rivers?—On the Lee and Sullane, yes.

1856. And you have been for some years?—Yes.

1857. And you are strongly interested in fisheries?—Very strongly interested in fisheries.

1858. And in the preservation of those rivers?—Yes.

1859. You let out the rights?—I take the waters from farmers, from both riparian owners and landlords, and I let them out. You see, I have taken places on the Sullane that have not been taken before and preserve them for the purpose of bringing over here gentlemen who spend money. I find it one of the most valuable assets, in fact, it is the only asset in this country that we have left. Shooting is practically all, and fishing is the only one that we want to try and keep alive.

1860. You can readily let all your fishings here?—Not in February and perhaps for the only part of March, but we can if the season is anything of a good one.

1861. When does the season begin and end?—Here it practically commences about the 1st of March.

1862. I mean the legal season?—Legally the season begins on the 1st of February.

1863. And practically it begins on the 1st of March?—Well, that is so. There is no fishing here, or only an odd fish, till about the 1st of March. We consider that for our interests in the upper waters the season is too early. We say that it would be better if the season was altered to the 15th of February, say. The river would then be well stocked, and the old fish would have a chance of running down.

1864. I will come to that suggestion afterwards. The season, you say, begins on the 1st of February. When does it end?—It ends on the 15th of October.

1865. Who are the principal proprietors of fishings in this district?—I do not mean tenants?—The principal proprietors here as regards the landlords would be, first, Mr. Watson, of Watercourt, who owns the best fishery on the Lee, I should say, within fifteen miles of this; and then comes Mr. Neilson, on the Nettillville waters; then would come the Earl of Brandon, and then Sir G. Bowen Colthurst. Then would come Lord Ardilaun; then Mr. T. L. Pyne, and then

Chairman—continued.

Mrs. Bowen Colthurst. I think she has that lot, and the tenants have the use of it.

1866. The tenant farmers have the use?—Yes.

1867. Do you mean that they have acquired the rights as landlords, or that they fish the place as farmers?—Within the last three or four years they are fishing within four miles of this. Mr. Gainger will give you full particulars about that.

1868. Then the rights possessed by the tenants have been acquired within recent years?—Yes, when not acquired on the purchase of the lands.

1869. On the sale of the estates?—Exactly.

1870. Have any estates been sold here to tenants with the fishing rights reserved?—Very few, and where the fishing rights were reserved—in the case of Lord Brandon's estate, for instance, he has reserved them for his life. Afterwards they go to the tenants. Mr. Watson, I believe, has reserved the fishing entirely, if I don't make a mistake. I don't know anything about Mrs. Bowen Colthurst, but I think she has reserved hers in entirety.

1871. Now, where the tenants have acquired rights, what arrangements have been made, if any?—I will tell you. Take now the free fishing lease, where the tenants have got the Mallowglass water fishing, I think about three-fourths of that. That was divided into little lots, some places 100 yards, some places 50, some places a quarter of a mile, and it was quite impossible, unless you possessed the whole of these waters, to let them; so I got as much as I could by going to each individual tenant and taking his water from him, and I let it now in lots.

1872. How have you taken it, have you purchased it outright?—No, I have taken it on leases.

1873. On long leases?—For five years.

1874. Did you find that the tenants readily responded to that arrangement?—Some of the rights I took for twelve months, and subsequently I took them for five years. I had a little difficulty in negotiating with them, and the only other thing that I can say is that I find it very hard to get any acquiescence out of them. They are sure of their rent, and they say: "We have a profit rent of so much, and we will subscribe as little as we can."

1875. Have you had any difficulty in getting them to agree as a body to let the rights to you?—Well, I did not get them to agree as a body. I approached them singly, and I made a separate arrangement with each one. It was a pretty tough business to do it, but I did it all the same.

1876. No one stood out?—Not in my case; no.

1877. Apart from your own case, have other tenants who have acquired fishing rights sold or let to any other person?—In one instance, yes.

1878. To an adjoining proprietor?—Yes.

1879. Both sides of the river or one?—No, one side.

1880. One side of the river?—Yes, one side.

1881. Have any of the purchasing tenants retained the fishing rights in their own hands?—No.

1882. In their neighbourhood?—No. None of the tenants fish, for the simple reason that the rents are so excessive that it would not pay them. The fishing rent, I mean to say the compensation that they get from me, would be so great that it would not pay them to do so.

10th May, 1911.]

MR. RICHARD C. WILLIAMS—continued.

[MACROOM.]

Chairman—continued.

1583. That is, that it would pay them much better to let it?—Yes.

1584. Has any tenant acquired fishing rights over such a stretch of river that he would be able to let to a rod fisherman himself?—Well, I suppose, in some instances, they would; yes; but you see the difficulty is to secure that. A man may run lucky one year. As a matter of fact, some years I lose on it, some years I gain on it. It is just simply the way it comes. Now, for instance, six months half of my river is not let. There are four or five beats not let at present.

1585. Is there any difficulty on this river between the fishermen or the owners who have rights on different banks of the river in the same place?—Well, as a rule, I try to let both banks of a river together, so that there may be no difficulty as regards the fishing.

1586. When there are two separate rights on the two different banks, would not the fishermen on each side accommodate each other?—It is all according to the class of men you get. As a rule they do not object, but some gentlemen do not do that if they can help it. It is all according to the two that meet. Sometimes they fish alternately on each bank.

1587. That is what I meant?—Yes.

1588. Now, on the subject of preservation, would you give us your opinion, and any suggestions that you have to make on that?—Well, my idea about the upper waters is that, as a matter of fact, they are not preserved at all. All that I have got here is one bait, and he has to run over about 60 or 70 miles, and that is just impossible. Sometimes, when I think there is anything on, I get one or two police to assist him at night, but now the barracks are so undersmanned at present that we can't get the police there used to be on the tributaries. Take Conginanna, for instance, a most dangerous spot in the spawning season. There used to be a hut with four men there.

1589. There were four policemen there formerly?—Yes; and that hut is gone, and consequently there is no protection at all. Even, assuming that we had two more, the two men does not go out in that district alone without the police.

1590. Without protection?—Without protection; and that is the reason that I say there is no protection at all as regards the tributaries. At Inchigall, last year, the club we have at present succeeded in firing men that were caught. The police caught them in the act of poisoning the river, and poisoning is carried on most extensively. I am sorry to say, in the upper Lee and the upper Sullane.

Dr. Mahaffy.

1591. Is the poisoning done with sponge?—With sponge and lime, principally sponge. The police caught them in this particular instance red-handed in the act, and they were brought before the magistrates, and, I think, were fined about £30. The principal offenders cleared away, and eventually some of the fines were reduced on memorial, and they got off very lightly. My idea about it is that if you want poisoning to stop there should be no such thing as the option of a fine at all when they are caught, but that there should be absolute imprisonment without any option; and that is my idea. As to preservation, my idea is that we should get more money to preserve our river. For instance, we would want six baits at the spawning season. That would be a small number, but at present it is absolutely impossible to cope with this evil. We had a Board meeting on Saturday last on the subject of a second bait, and we went into the finds and we found that we were £30 on the wrong side.

Chairman.

1592. For what period would that be necessary for the spawning beds?—From now till Christmas.

1593. Now?—When I say now it is because there is an extensive practice of spearing at present. The water runs low, and when they see sixty or seventy fish in the river, and know that they are all worth £1, it is natural, when there is no preservation, that they will try if possible to get them out of it both by spearing and netting.

1594. So you think that from the present time till January it would be necessary to have a larger number of men?—We would want them at present.

Dr. Mahaffy.

1595. Is there much salmon in the river now?—Yes, the Inchigall Lakes are now teeming with salmon. They are fairly safe beyond, but now they will get to the Fowless River, a tributary flowing up there, and they will get all destroyed.

Chairman.

1596. I understand from you that on the Lee about the spawning season the fish get into tributaries where they can be easily speared?—Yes. Once they get out of the deep pools, and out in the upper waters, they are gone and they will never come down.

1597. Then the destruction of fish proceeds by two methods. One way is by poisoning and the other by netting and spearing?—Yes. The poisoning is very much the worse of the two, for it not only destroys the salmon, but the fry also.

1598. And it has been stated in evidence that the river does not recover for a considerable time after it has been well poisoned?—There is no question about it.

1599. How long does the sponge take to act on the water after it has been put in?—They say instantly, and they have the fish all out and away by morning if they do it at night.

1600. Is there any means of knowing beforehand how it is to be effected?—are a large number of people engaged in the business?—Oh, yes, but they have their secrets out, and the only method the police or our bailiffs have is to go into ambush the previous evening if they get the tip in time; and in cases where there has been a successful prosecution it has been owing to information received, and I think myself that it would be well if there was a fund given to the District Inspector by the local Commissioners for the purpose of giving rewards to men who would bring reliable information to the authorities on this matter of sponge being dug with the supposed intention of poisoning, and that these men should get some subsidy, or reward, or recompense—say, a half-sovereign or a sovereign. I think that would deal with the matter in a very effective manner, for a man won't travel to a barrack or travel to me without some reward.

1601. Not for the love of the fish?—I don't think so, or unless he had a spite against the man that was doing it.

1602. Do you think a half-sovereign or a sovereign would be effective?—Yes, that is if it was found that the information was reliable.

1603. Then it goes without saying that there is considerable difficulty in stopping poisoning?—Poisoning is the great difficulty that we have to contend with. It is our worst.

1604. Well, as to netting, is there much netting in the river?—There is, yes, even now in the upper Lee there is netting in every pool that they get there. We hitch poles, but we have not hitched anything above Macroom. We put down these hams to think these nets can be torn to pieces, but unfortunately we have not sufficient money, and often when we do it they come and tear them up.

1605. This is not the ordinary draft-netting?—I suppose it would be. It would be for the purpose of netting that they put a pole on each side of the river. The river is quite narrow, and they can just simply walk the poles as they like.

1606. Then they cross the river and sweep the pool?—Sweep it, and leave the fish away by 4 o'clock in the morning before anybody is looking, and if anybody is coming there are scouts on the hills and they run away.

1607. Do you know where those fish go?—Yes, the place is well known. They are mostly all taken to Cork by car.

1608. And where do the nets come from?—The nets, I suppose, are supplied by Cork fish merchants really.

1609. That is the suspicion?—It is, yes.

1610. A considerable number of people must be engaged in the netting?—I suppose there would be ten or so in some cases; in some cases less. Half a dozen would be sufficient.

1611. Have there been any convictions for the netting?—No, not exactly for the netting, because it does not take so long to do. It is done in a very short time. They get the net on the bank and draw the whole of the fish out in a very short time, and all we have to guide us is to see the wheel tracks from the river to the road.

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Mr. Richard C. Williams—continued.

[Macdonald.

Chairman—continued.

1612. The possession of either net or salmon away from the river is not sufficient evidence for a conviction at all?—No, you must catch them in the act. If you see a lot of salmon in the market you can't say but that they were caught with the net.

1613. And the next thing to consider is the destruction of the spawning fish?—Well, as regards the netting and the poisoning, I would like to say that I think myself that something ought to be done, for instance, to augment the Constabulary force in the district in which these rivers are during these seasons; that the Constabulary force, say, should be increased by two or three, and that the individual policemen who catches anybody there netting or poisoning should get some reward. At present the reward that is given by the Conservators goes to the Constabulary Fund, and the individual policeman gets nothing, having that he gets a recognition that he has done his duty. But that is not at all sufficient, and I think you might recompense him for his trouble. They are out all night, and they have to do duty next day, and they get their burners torn, and they have, as many cases, to jump into the river, and, after all, they come badly out of it, leaving that they get Constabulary recognition, or something that might lead to promotion afterwards, and I don't think that that is at all sufficient. If we had anything to give them now, it must be done and red, because it is absolutely illegal for them to receive it.

1614. Do you think that the Constabulary should get anything that is to be given personally and direct, rather than that it should be given to the Constabulary Reward Fund?—Yes, I do, certainly, and I say that a policeman is worth six baillies. One policeman on the bank of a river, or anywhere else, is worth half-a-dozen of our men.

1615. We have been gratified to hear that the police give all the assistance they can?—There is no doubt about it. In the Inverclyde district they are invaluable to us. Unfortunately we have not half enough of them.

1616. But, after all, the first point is to increase the number of your own baillies?—It is, but we can't do it as we stand at present.

1617. I was going to ask you whether any of the proprietors of the river employ baillies privately?—No; not here. The baillies are not extensive enough. The only fishing that would pay to employ a special baillie is Mr. Warren's, of Warrasceurt. That is worth about £200 a year, and he contributes largely towards the funds of the Board.

1618. We did hear that the proportion subscribed by proprietors was not very equal?—Well, now, I will give you an instance of that.

1619. I don't know. It may not be quite polite to go into particulars of the amounts subscribed. We will only deal with it generally?—Then I will speak generally. The Department asked us this year to subscribe £200, and, if so, the Department would give us a grant of £200 to get out of debt; and we sent out a circular and we assessed those riparian owners, not on a valuation, but on a rental basis, assessing every gentleman, getting in close on, say, £100 or £150, and we have succeeded in getting in at present £200, and out of that £200 I gave £10 and Mr. Haynes gave £10, and there was only £20 given on the valuation basis out of the £200, and we are at an as regards how we are to get the money. You see, this year has been a pretty hard one with them, because we have had a whip to get money to fight this inquiry as regards these drift-cuts—the inquiry that was held. There was a whip made for that, and they took on one whip as being sufficient without a second one.

1620. That is the drift-net inquiry in regard to the lower harbour?—Yes, and these proprietors all combined to fight that, and they employed counsel and opposed that inquiry as far as they could, not according to the valuations of their fishing rents, but the rest as a maximum, and now we find it impossible to get any collection from them whatever to make up this £200; and I think myself that if a valuation based on the rental received was struck and made law their property would be increased in accordance with the valuation of their waters.

1621. At the present time the rateable valuation is not in accordance with the rental?—Oh, no, no; it is not.

Chairman—continued.

1622. And you only receive 50 per cent upon the rateable valuation?—Yes.

1623. Which is very much below the rental?—Yes.

1624. And now this whip that has gone round is another assessment on the rental?—Yes. Well, to be sure, you see, the whip that was made before in order to fight the drift-net inquiry was not made by the Board of Conservators at all, but it was made by themselves, and this was an emergency whip; but this one that they have made is really a whip for the maintenance of the funds of the Board, and they are not responding, and I think if it was compulsory on them to respond it would be the best investment they ever made, for if we had the preservation we would have a better rental and better conditions, and the rents would go up, and we would get a better class of men over here entirely.

1625. Would it not be possible to have the rateable valuation made more in accordance with the rental and then to assess on that?—No, I think if they submitted their rents honestly to the Board, and according as they receive they ought to pay, I think that would be the fairest way.

1626. But that must be voluntary as at present?—Well, if they gave the Board a written guarantee that would do it. It would put the Board in a better financial position than they are now, and with decent help of the Department I think they would do very well.

1627. That would be on the assumption that you are always to expect considerable assistance from the Department?—Oh, it is. You may as well wipe out the Board if they don't give the subsidies, or some other Department.

1628. But don't you think that if this river was properly preserved and the salmon fishery properly developed it would be sufficiently wealthy to support itself?—I am afraid not. I don't see how it would.

1629. You don't think so?—No, no only pay the baillies small wages. The only baillie I have is paid £25 a week, and that is not sufficient at all. We should have to pay them £50 or £75 a week.

1630. But if the rental was so much increased by the profitable development of the river and the putting down of all this poisoning and destruction of fish, the contributions on the rental would supply the Conservators with sufficient funds to protect the river?—Yes, I don't know. Is it as regards our river here, the upper waters?

1631. Yes?—I am afraid not. I don't think so. In the first place that would have to be a compulsory rate, and if it was I don't think it would have the effect you say, because, you see, it would cost a good deal of money outside the lower harbour entirely, it would cost a terrible lot of money, and again our trout fisheries in the tributaries have a right to be preserved.

1632. But, before leaving this subject, do you think it would be possible to reconstitute the Board of Conservators in such a way as to give them a little more authority in these matters and enable them to administer the affairs of the river more authoritatively?—I don't know that they could do this themselves, but I quite agree with you that the constitution of the Board might be improved. I suggest that the Board at present contains too many ex-officio members. I consider that men who are riparian owners, and who have an interest in the river, should have a voice in the reorganisation of the Board.

1633. They have not it at present?—No, the ex-officio members are the Board at present.

1634. The elected members represent the licence holders?—Yes; there are only six elected men on the Board, three for the upper and three for the lower waters.

1635. And, of course, proprietors may or may not be ex-officio members?—Well, they may or may not. In 15 per cent, of the cases the interest of ex-officio members in the river is very small. Now, one of the principal proprietors is Mr. Nettles. He owns a fishery worth £200 a year. He has a great interest in the river, and he is not on the Board.

1636. So that you think there is something to be desired in the constitution of the Board?—And there are farmers round here getting £50 for their water, and they have not a say in it, and I think they ought

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MR. RICHARD C. WILKINS—continued.

[Macroom.

Chairman—continued.

to. I think they ought to have a voice in the representation of the Board. If they are paying so much for the preservation of the river, I think they ought to have something to say.

1637. That, of course, would make a much more powerful Board of Conservators?—Yes, it would.

1638. Now, as to the tributaries in those upper reaches, are there trout in them?—We have two rivers here, and I don't think they can be beaten anywhere if there was any sort of decent preservation. They are really good rivers, but, unfortunately, the run of trout has been small. A few years ago you got a fine basket. You got five or six dozen, but they all run from two ounces to four. You occasionally get a pound or from one and a half pound to two pound trout.

1639. Are they poached?—I would not say that they have been poached, but where there has been a deep pool, the pools have been poisoned for salmon and the trout have been destroyed.

1640. And, therefore, the poisoning of the salmon destroys the trout fishing?—To be sure it does.

1641. But there are other reaches of the river where there are no pools, and where salmon do not lie in the fishing season?—Oh, there are, yes.

1642. Well, could these be developed as trout streams?—Well, the best trout rivers are not salmon rivers with us here, but, to be sure, they could. I think, myself, that a good deal more could be made of the salmon fishing by these farmers. They have a habit of spoiling pools by taking stones out of them, as if, for instance, a man is building a labourer's cottage. This happened two or three years ago in one of my pools. A man sold a lot of stones out of this pool in this river. He had them withdrawn and spoiled the pool; and he would not do it now, and he is anxious to get it back again into its original condition, because he owns the pool now, and he did not at that time. He did not know how to lay out the pool; and I think it would be well if men of experience—you have plenty of them in Scotland—were sent over by the Department as instructors for the purpose of instructing them as to how they should lay out these pools in various places. You would get two miles of the river, and you would only perhaps get a pool in a mile.

1643. After all, whatever regulations may be made in a voluntary way, you must have some authority that people can see and conform to?—Yes.

1644. And that would be the duty of the Conservators?—I say their power ought to be in every way increased.

1645. Extended?—Extended.

1646. There is free fishing on these tributaries?—Yes, and on the Lee also.

1647. And, of course, it would be the interest of the farmers who have the banks of these tributaries to make this a rentable property?—Oh, yes, certainly. They would be only too glad to get rents for them if they could.

1648. But still it is worth it they would not get rent?—Quite so.

1649. And till it is preserved it won't be worth it?—No.

1650. The free fishing would not be the difficulty, but the preservation?—Well, as regards the preservation of the trout the only way I can see out of that would be for the river to be open for so many days in the week free and experimented on for a few years. I am sure that if the farmers agreed to open the river to trout anglers who have got their own time, and could go out angling twice a week, if they went out twice a week and killed big baskets, I am sure everybody would conform to it as you suggest, and they could have these two rivers open for so many days in the week, and I am sure the fishing would improve, provided that poisoning is stopped, and everything would get better; and the recent legal decision may affect this question materially.

1651. It is now held to be a malicious injury?—It is, yes; and I think that the Board ought to get some contribution from that towards the preservation of the fishery. It is not the law at present, but I think it would be well if it was the law that any man that was awarded under the Malicious Injuries Act should go towards the preservation of the river.

1652. Have there been any hatcheries on these rivers?—No; none whatever.

Chairman—continued.

1653. What do you think of that?—Well, I have had no experience of them, and I don't know anything about them. In Gougans Barra, where the Lee flows out, they tried rainbow trout some years ago, and they spoiled the lakes and they spoiled the fishing. It is now getting back to its original condition.

1654. Did it spoil the fishing?—Well, the fishing after that for two or three years was reduced to a minimum.

1655. Do you know how it happened?—They say the rainbow trout ate up all the others.

Dr. Mahaffy.

1656. And what became of the rainbow trout?—They disappeared, too.

1657. That is very curious. Do they not catch rainbow trout there now?—Very few now.

1658. Did they first eat up all the others?—Yes.

1659. And then they died themselves?—I don't know what happened themselves.

Chairman.

1660. Have you any pike?—Yes; Inchigeola Lake is teeming with them. There was a letter in the papers last year about it, and there was a long discussion about giving a reward of a shilling a pike to the man that killed them, but it never went any further. I think if the thing was worked by a local committee in connection with the Board it would work all right. It is unusual to see the place so full of them as it is. The lakes are very extensive. They are about five miles long—four or five—and in some places they are nearly three-quarters of a mile wide.

1661. Are those lakes supplied by streams or springs?—The Lee flows through them.

1662. Then there is no reason why they should not be very valuable?—They would if the pike were exterminated out of the place. Then they would be the most valuable asset that could possibly be—very valuable.

Dr. Mahaffy.

1663. Are there any pike in the river?—Oh, there are; yes.

1664. They come down from the lakes?—Yes, and there are a good many of those cormorants on the river, too, and they spoil the main river to a great extent. You see them on the two rivers.

1665. You don't let them breed those?—We try to exterminate them as much as possible.

1666. Are there islands in Inchigeola?—Just one little one.

1667. And is that full of cormorants?—I don't know that they are up there, but we have them upon the Lee, a jolly sight too many.

1668. With regard to the early opening of the season here, you open your season for salmon and trout on the 1st of February. Surely, that is much too early for trout?—We think it is too early for every-thing.

1669. When do the trout get into condition?—The middle of March.

1670. Not before?—No; well, we go out about the 1st of March just to commence practice, or the latter end of February.

1671. When do you stop fishing for trout?—Well they fish on to about September, to whenever we get the floods, but when the sheep-washing commences it spoils our fishing here to a great extent.

1672. At the end of September would you catch trout?—Very, very few go out so late as that. I think the season ought to close about the 15th of September myself for everything, because it would improve everything. There is nothing pulled out, only heavy old fish that are useless.

1673. With regard to those lakes where the pike are, are there shallow places and sedge banks?—There are, sir, sedge banks.

1674. Don't you know that you can diminish the pike enormously by catching them with nets when they are spawning in the shallow places?—I don't know that there has been a net up there at all. There has never been an attempt to kill them off.

1675. I know myself two lakes where the pike are kept down by that process only, by netting them in the spawning season in the places where they go to

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MR. RICHARD C. WILLIAMS—continued.

[MACROOM.]

Dr. Mahaffy—continued.

spawn; and by killing so much every day in the nets you can keep down the pike so much that they cannot flourish. Could not that be tried?—Who is to try it? There is nobody up there to try it, because the interest is nil. There is no rent up there and there is no sport. There is a boat on the lake, and anybody who goes there goes for pleasure, not for fishing, and nobody catches pike, and if the pike were exterminated there would be very good fishing there.

1576. Who owns the banks of those lakes?—The farmers. All the land up there has been purchased, and I assume that the fishing rights were practically nil. That is so at present.

1577. Could not we get a combination among the riparian owners up there—could not that be brought about by the Board of Conservators?—We tried to get something tangible in that way done, but it stopped there; it was never done.

1578. Not yet?—No.

1579. With regard to this upper part of the river which is so dangerous, where the fish are spawning and where you need you want more police, could not that be looked after by the riparian owners?—Not at present, because the rivers are not good enough to let. If the river was laid out as I have suggested, every bit of the river would be valuable.

1580. You propose that a reward should be given to a man coming in to give information?—Certainly, I would.

1581. Wouldn't it be better to get it from the people up there on the river banks?—You can't get it there, but a man would come in here to tell you, and he is afraid to speak to you there, because it would be known. He would be seen talking to you. I am afraid the farmers, if the river is patented up there, won't look for compensation, because they would be afraid. As regards an individual reward to a man coming in and giving information to the police officer, he is all right. The police officer would know very well if the man was off his head and whether the thing was good or not, and he would not give the reward if he did not see that there was foundation for it, and if there was he would use his own discretion as to giving the reward.

1582. Do you say that the trout fishing, apart from the salmon fishing, is a valuable item?—It is most valuable, and on Sundays about a hundred anglers from Cork come out here by the Macroom line.

1583. To fish this river?—Yes.

1584. You say the trout run to what size here?—You will get them up to a pound, occasionally up to two. An average basket would be two to four ounces in general.

1585. That is nothing at all?—Yes, and they have got a habit here of catching small trout and small salmon fry. They are under an ounce. Some of the trout are bigger.

1586. Some of them bigger?—Yes, and they would fish here with the May fly.

1587. Does the natural May fly come up here?—Oh, it does here. They occasionally dip here.

1588. It occasionally comes on the lake of Inchigeela?—As regards Inchigeela, the fishing there has been very small owing to the pike. A man will not go to fish the Inchigeela lakes, but will fish the Fardena and get a very fine basket. That is one of the tributaries that you will get a very good basket on.

1589. You take only a five years' lease from those people?—That is so.

1590. You never take it for longer?—Oh, they certainly won't let it to you for longer.

1591. When they net pools for salmon I suppose the members are not small enough to take small trout?—Oh, they never trouble much about taking trout. Sometimes trout get in the salmon net.

1592. They don't want trout?—If they get them, I suppose, they would throw them away.

1593. They only poison the trout?—Yes.

1594. I suppose the people who poison the trout do not care about the trout, they only think of the salmon?—I don't think they ever simply poison for trout; they poison the pool, though; and it is purely a matter of £ s. d., and they like to make a £5 note, and they are mostly local big people who won't work and kill the fish in close time and kill a lot of spawning fish, and these fish are gobbled in public houses, and they get five shillings.

Dr. Mahaffy—continued.

1595. Is it perfectly well known to you that it spoils the form of the pool?—It spoils the particular form of the bed of the pool, and in Lord Handan's water a pool is worth nothing since it was disturbed.

1596. How?—In that particular instance they drew stones out of it, and the pool is gone.

1597. They damaged the pool?—Yes.

1598. They made it a bad lying place?—Oh, spoiled it. It was a very fine pool before. Pools every year don't fish the same. I know a pool that was well fished last year and fished very badly this year.

Mr. Calderwood.

1599. With regard to the nets, have you seen any of the nets yourself?—Millon of them, I have seen them in Cork, six or eight miles of them, a year ago.

1600. Are those any of the nets that you spoke of as having been used in the upper waters?—I have never looked at that. I could not say that they have been used. I have never looked at it. It is an ordinary salmon net. They get them down in Cork.

1601. Have they much netting in those places where stakes have been driven into the river?—Oh, they will get them up. If we had sufficient money we would drive stakes all the river up. They have tried their hand to push places down the Lee, but they have not been latched, and in places that have been bricked they pull the stakes out, and I hope to get them down, but we can't do that work till the end of July or August.

1602. It does not take a great deal to prevent netting?—Oh, they will watch the river jolly well. The waters are even watched from the time they get up till they go to bed. In fact Chief Inspector Fisher, who came here about two years ago, was the only man that could grapple with them at all. He was before you last week, and gave evidence in Cork.

1603. There is no limit to the size of the trout which may be caught?—I should say the limit would be two pounds.

1604. How many Conservators have you on the Board?—I suppose, including the ex-officio members and all, there would be twenty—then sixteen to twenty, I think. Now, of that number, five attended a most important meeting on Saturday.

1605. You have six elected members?—Yes, there are six elected members on the Board.

1606. How many ex-officio members?—I suppose there would be about twelve or fourteen, or so. I am not quite certain.

Chairman.

1607. There are twenty-one members altogether?—Yes.

Mr. Green.

1608. There is a good deal of free fishing upon this river about here?—What sort of fishing?

1609. Free fishing?—What sort of fishing, trout or salmon?

1610. I mean that there is plenty of free fishing for trout?—Trout, and for salmon also.

1611. For both?—Yes.

1612. Well, has there been any tendency, when land purchase took place, to limit the free fishing?—Farmers are trying to get rents for places, do you see, if they can get them. The tendency is, if they have any property, to get rent for it. The upper Lee and the upper Suir are just as valuable as the lower Lee, if the preservation was right and if we had the fish.

1613. In the event of their not getting rent, they are not objecting to the free fishing?—Well, some of them are, and some of them are not.

1614. It is a great thing for the Cork people to have free fishing?—Oh, they get plenty of free fishing.

1615. Both for salmon and trout?—Yes; well, trout is not restricted in any way, unless a man throws a bait very close to a gentleman who is fishing the water, and he may send his gills to ask him to move a bit up.

1616. But there is no restriction as to the manner of fishing?—There is no restriction. I think travelling ought to be stopped.

1617. Is it all fly fishing for trout?—Fly and worm.

1618. You were talking of giving a certain number of days of free fishing on the rented waters. Would it be well, in doing that, to limit it to fly-fishing, and not to have any worms or any bait at all. Would that

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MR. RICHARD C. WILKINSON—continued.

[MACROON.

Mr. Green—continued.

injure the free fishing too much?—In Warranacourt water, where there used to be, two or three years ago, good preservation, a gentleman takes separate pools on the river, and preserves the best pool for fly, and the fishing there is satisfactory; but you must get everybody to agree.

1719. You were talking about the beginning of the close time being rather late?—Oh, yes, I think so. I do not see any advantage whatever to be gained by fishing up to the 4th of October, and hardly anybody ever fishes so late. The fish at that time are of no value, utterly useless.

1720. And you think it ought to be changed?—Yes. 1721. Well, we never have been asked to make a change?—Still, I don't see any advantage in it, and the river is open too long.

Chairman.

1722. You think it is opened too early and kept open too long?—Yes. We say that fishing during February, or up to the 15th of February, is useless to us, and if the river was not opened so early it would get a chance of being stocked with larger fish.

Mr. Calderwood.

1723. But is it not of great use to the lower man?—Yes, it is, to be sure. I suppose they get two shillings a pound for the fish, and we could not get a fish at all. They speak of their interest, not of ours. I speak of our own interest, not of theirs.

MR. CHARLES WILLIAM ASKE, examined.

Chairman.

1724. Where do you reside, Mr. Aske?—I reside about fourteen miles from Macroon, at Elm Park, near Kilmore, on the Cork and Macroom line.

1725. Are you directly interested in fishing as a fisherman or as owning property in the district?—Oh, well, as a sportsman. My experience is really as a sportsman.

1726. Are you a fisherman yourself?—Yes, I have been an ardent fisherman of salmon and trout, I may say, for twenty-five years. In addition to that, I may say that I am a co-trustee in respect of a good salmon fishery on the Lee about three miles from Macroon.

1727. Above or below Macroon?—Below.

1728. I believe, Mr. Aske, that you have been acting for a good many tenants who have acquired fishing rights on the passing of estates?—I have been acting for the landlords.

1729. For the landlords?—For the landlords; in some very few instances for the tenants.

1730. Do you know that one of the objects with which we are holding this inquiry is to ventilate the question of the future as regards the passing of these rights to tenants?—I do, sir.

1731. And to attempt to demonstrate to them that the future value of the fishing depends upon a combination of these rights for the purpose both of protection and of letting?—Yes.

1732. You are aware of that?—I am aware of that, sir.

1733. It has been suggested that there are perhaps three ways in which tenants who have acquired rights to very short stretches of river might make their rights very valuable. One is to sell them outright, another is to let them, and another is to form a combination among themselves for the purpose of letting, by means of vesting them in trustees for that purpose. You are the first man we have met with practical experience in this subject. Would you kindly apply yourself to the question of the interest of the tenants and give us your views?—Well, it would be of the greatest advantage to the preservation of the river that the riparian owner, or I call the purchasing tenant now, should at all times have an interest in the river, and I don't think it would be an advantage to have the tenants' fishing rights bought.

1734. That is sold outright?—Sold outright. Absolutely, because I think one of the great advantages of the Purchase Acts is that you have now, I may say, from the mouth of Cook Harbour to the source of the Lee studded with people having a pecuniary interest in the river which will be unquestionably a great advantage in the preserving of it. That is one of the great changes, to my mind, that the Acts have brought about to the interest of the fishing industry.

1735. I will put it in this way, that even if tenants let their rights for a short terminable period and look forward to a future letting they have a present interest in making the fishing valuable?—They have, that is provided it is not too long a term.

Dr. Mahaffy.

1736. Three or five years, say?—Well, yes, perhaps three or five years. I think that would be a reasonable term. If anything, I should say that perhaps five years would be a bit too long.

Chairman.

1737. Now, as regards combination amongst themselves, have you had experience of that?—I have had no experience of that, and I don't think that any combinations have existed amongst the riparian owners up to the present.

Dr. Mahaffy.

1738. In this country?—In this country. The only thing approaching it would be the defunct Anglers' Club, and that is not what you allude to.

Chairman.

1739. No; I am talking about a combination amongst the riparian proprietors?—There has never, to my knowledge, been anything of it up to the present on the River Lee.

1740. Then, so far as things have gone on, all that has taken place up to the present time is the intervention of an outsider, who takes from the various tenants their rights for a term. That is the way it has been done up to the present time?—Yes.

1741. Would there be a difficulty in persuading tenants to combine, where such an outsider would come in?—I think the tenants could be easily persuaded to form associations for the preservation of the river when they realise, as most of them do now, the great benefit it will be to have the fishing looked after. I don't think there would be any difficulty whatsoever amongst the tenants with respect to forming associations or agreeing to any proportion of the kind.

1742. Of course, it is rather a difficult question how to combine tenants for the purpose of the vesting of their interests in a small committee of themselves?—That might take a bit of time to work. I think, myself, that a tenant once he has become the owner of a piece with a valuable interest would be rather slow to part with that at present.

Dr. Mahaffy.

1743. To anyone?—To anyone. Well, to part with it without a consideration.

Chairman.

1744. Oh, certainly. But what was wronging my mind was this. Assume that there were twenty tenants now on an estate who had become possessed of riparian ownership. They would have stretches of the bank of the river?—Yes.

1745. And supposing they combine, would there be any difficulty in vesting their interests in a committee who would pool the entire value of the fishing rights for the purpose of letting, and who would make a suitable distribution according to the value of each man's portion of the river?—Well, I think it is a thing that should work by time. I don't think that the tenants, now that they know the value of their fishing and how little difficulty they have in letting it, would be too anxious to pool their fishings at present, because it would be very hard to put a value on each man's fishing. It is a very hard thing to do, and I think it would work out hard and difficult to make them agree on that point.

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MR. CHARLES WILLIAM ASH—continued.

[Macroom.]

(Chairman—continued.)

1746. That is what I want to come to?—I think it would.

1747. And now, Mr. Ashe, after all, the man who owns a pool will only keep that pool valuable by having the river preserved above that pool?—That is right.

1748. And therefore the distribution should be exactly in accordance with the value of the fish taken out of the river opposite to that man's bank?—Quite right.

1749. Do you think they would come to that after a time?—I think they would. They are a very reasonable body and a very sensible body, but perhaps they require to see the advantages before they grasp them.

1750. There has been some idea or suggestion that this inquiry might result in some abridgment of the tenants' rights. The inquiry is really for the purpose of ascertaining the tenants to realise the full value of the property that comes into their hands?—Yes, I think some rumor of that has gone about, because I have been asked the question since the Committee opened, "was there any fear that the State would purchase up the interests?"

1751. Well, I take the opportunity of telling you that the object is, as I have said, to enlighten the tenants as to their position, so that they might realise the full value of any property that they may have in a river, and, of course, that value will depend on the value of the whole river, and the value of the whole river will depend upon the preservation?—Quite so.

1752. That is so?—That is so.

1753. Now, as a co-trustee, what have you to say about the preservation of the fish on the river?—I think that the preservation of the fish on the river Lee could not be worse than it is at the present time—could not be worse. When I say that, I have in my mind the tremendous destruction of salmon and trout by poisoning. Of course, stroke-killing and netting are bad practices. Netting a good pool will damage it, I think, perhaps for three or four days. I should say netting would come next to poisoning, in my opinion, and the practice of spearing is confined to a portion of the close season time when spearing fish run up the small rivers to spawn. It is very hard, I quite admit, to get information which will lead to a successful prosecution. One idea here is really to decline to help the prosecution. The people don't like to come forward and help prosecutions of the kind, but I think that inclination will certainly grow less, when we have the property in the fishing transferred now from the landlord to the tenant, and I think there will be a very serious effort, a very good effort, a very wholesome effort, to stop all that poisoning and illegal fishing, and to give evidence if there is any illegal fishing. I think it is going to be so.

1754. Now, Mr. Ashe, much depends upon the steps that are taken to apprehend these who are breaking the law. It has been stated here, and you also have told us that nothing could be worse than the condition of this river?—Nothing.

1755. That is likely to be attributed to the want of money?—It is, no doubt, to begin with.

1756. To begin with?—To begin with. I should say efficient bodies.

1757. Of course, you can't have an efficient body, or bodies at all, without money?—True.

1758. And you have heard the Conservators say that the proportionate contributions, outside the rateable collection, are small?—Yes.

1759. And that their income is small?—Yes.

1760. Have you thought over any way by which a larger income might be obtained?—I think there ought to be an assessment on the different values of the fisheries. I think that is the only way to come at it, and I think it ought to be voted in some Board that would be able to make the assessment and to make it a compulsory one. There was a voluntary effort made here some years ago to have each riparian owner contribute according to the value of his fishery. It has worked to some extent, but it is not a success; so I should say the only way would be to have somebody making the assessment and putting a rate on that assessment.

1761. Not after all it strikes one that the Conservators if they were a little more representative might be the administering body that would do that?—Certainly, I should say they would be the proper

(Chairman—continued.)

body, but I do not agree with the method of representation at the present time. I think the elected members on the Board ought to be elected by the owners of the fisheries, and not, as it is at present, by the license-holders. The license-holder is a gillie paid by the day. He is also an Englishman or a Scotchman that comes over here perhaps for a season or two. Well, that is not what I would call a wholesome representation of the interests of the fishery owners. I think the elected members should be elected by the riparian owners.

1762. It was suggested that a special method of representation by vote should be adopted—that a man should have votes according to the value of his fishery. Do you agree with that?—I think that ought to be so.

1763. That is to say that you would not give a man who had a very small interest the same power of election that you would to the owner of a larger fishery?—Certainly not. I think that would be a good idea.

1764. Do you think people would be satisfied with that?—Do you mean would the owners of the fisheries be satisfied?

1765. Yes?—I think so. I think that is a reasonable suggestion.

1766. Now, as a fisherman, of course you are interested in the upper reaches of the river, I mean the tributaries?—Yes, the entire river.

1767. We have had very interesting evidence about the possibility of development of the trout streams?—Yes.

1768. And do you think that that object might be pursued with advantage and profit?—Certainly, I think if the trout fisheries in this district were preserved and looked after it would be an enormous asset to the country. I remember twenty-five years ago, when, perhaps, the poisoning was considerably less than it is at the present time, I had no difficulty in getting a really good basket of trout, perhaps four or five dozen of good trout; but one year's poisoning will affect the river, I should say, for four or five years at the very least; and all the rivers, every one of the small rivers running into the Lee (well, it would be principally from Macroom and upwards), are good, and every one of them affords excellent sport in trout fishing.

1769. Do I take it from you that this poisoning has increased of late years?—No, I do not think it has. If anything it has diminished somewhat since Lord Purchase, but the traces of it are still there. We had the poisoning fairly bad perhaps a dozen years ago, but for the last four or five years I should think we have not had it to such an extent.

1770. We are told dynamite is used in some places?—Yes; a rather interesting occurrence came under my notice when I was living in a place called Ashton. I am a trustee for it. I remember one summer's morning, about four or five o'clock, I was awakened by a loud report on the river, which flows quite near the house, and I did not mind it, but it occurred to me in about a quarter of an hour or so to get up and look at the river, and I looked out and saw four or five chaps round a big pool, which apparently was dynamited, and I took it for granted that that was what happened. That was four or five years ago, and it was done in one of the best parts of the River Lee.

Dr. Mahaffy.

1771. You say you heard the sound?—I heard the report of the explosion.

Chairman.

1772. Did you see them getting any salmon afterwards?—I did not see what happened. I was too far to see what happened. I merely saw the fellows on the side of the pool; but dynamiting is carried on in all parts of the river where salmon frequent. There is no netting to any great extent above Macroom, but I believe there is a considerable amount of netting up at Balliscollig, and there is some netting possibly in the neighbourhood of Cierigsdreah, about six miles from here.

1773. And I suppose there are people interested in this netting and in getting the fish down to Cork?—Oh, yes.

1774. It is said that there are some people in Cork who supply the nets?—Possibly there are. I believe there are people interested in it in Cork. Of course,

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MR. CHARLES WILLIAM ARNE—continued.

[MACDONALD.]

Chairman—continued.

where we find fishermen who are supposed to sell the fish at the full market value doing it at considerably reduced prices, we conclude that they have a pecuniary interest in it.

1775. Now, is there any other branch of this subject that you would like to give us any information about?—There is one matter that I should like to mention, and that is the trout fishing in the neighbourhood of Inchigeola. It is a beautiful lake district, embracing, perhaps, five or six miles, from Inchigeola to Ballinacraig, and if the trout were preserved there, and the place were looked after, it would afford an amount of sport.

1776. As on the lakes in Westmeath?—Well, I have no experience of the lakes of Westmeath, but I have a good deal of experience of the lakes of Kerry, for I have fished them, and I think this would be quite as good, if not better, than the lakes in Kerry.

1777. And would attract people?—And would attract an amount of people. It is a beautiful district, and I don't think, you know, that poisoning would affect that district so much. You cannot well poison a lake, and they don't bother about the small rivers. Poisoning, I think, is not carried on to any extent at all in the small rivers in the neighbourhood of Inchigeola, and the one thing that would help the fishing there would be to get rid of the pike in Inchigeola lake. If that was done it would be a lovely district for tourists from all parts of the country to come and reside there, and I am certain it would be a very great advantage if some effort was made to stock that lake with trout.

1778. Have you had any experience in the way of hatcheries?—No; I have never made hatcheries.

1779. As regards the promotion of trout fishing, it has been suggested that it might improve those lakes and rivers?—It would, certainly, and it would be very easily done. It ought to be very easily done in Inchigeola.

Dr. Mahaffy.

1780. I don't know whether you heard what I said about the killing of the pike in the lake of Inchigeola. Did you hear what was said?—I did not quite catch what you said.

1781. What I said was, that I know large lakes that are trout lakes, and in which there are pike, and where, by carefully netting the spawning pike in the shallows in the lake where they are known to spawn, they are able to keep down the pike?—That would be a very easy method of doing it.

1782. Quite easy, and I am going to a lake where that is done, Sir John Leslie's lake in Donegal, which is a lake about twenty miles round?—That would be an excellent method of doing it.

1783. And that would be an easy thing and a cheap thing to do?—Yes.

1784. You know the state of the Lee at present, and you know the Lee years ago. Was not the fishing very much better then?—Yes; when I started twenty-five years ago it would not surprise me a bit to kill four or five fish a day; and I would consider myself lucky now if I averaged one fish a day.

1785. And that applies to every river in Ireland? Witness—To only know one river in Ireland that has kept up to its old level, and I know a great many.

1786. So that there may be great changes?—Yes.

1787. Now, you have a number of riparian owners with small pieces of the river, and you say they are a most reasonable and sensible body of people?—I do, I think they can see their interest quite as well as anybody.

1788. Yes, what we have come a long way for?—That may be so.

1789. Well, when you have one man with a piece of the river 50 yards long and the next with perhaps 500 yards, would not there be a difficulty in the case of the pooling of their interests to get them to see that the distribution should not be in proportion to the amount of the river but the goodness of the fishing?—I think I stated that, that there would be some difficulty, but I think that the difficulty would arise from the mere fact of trying to put on a valuation that would please everybody.

1790. Well, you said that you were asked whether the State has any ulterior object in doing all these things, and any intention to purchase these rights?—

Dr. Mahaffy—continued.

I said I was asked by some of the riparian owners if that was the intention.

1791. I don't think the State has the smallest idea of acquiring these in addition to its other responsibilities?—So I said.

1792. What a Home Rule Government would do in acquiring these rights is another question, but do you ever hear of a man getting subscriptions for poaching and game round and getting subscriptions to pay the dues?—Yes, occasionally.

1793. Does not that show that the body of the people are against their own interests in the matter of fishing?—It is like being "agin the Government."

1794. And how do you expect that those people who pay the dues to let off a poacher would join in protecting the river?—Do you mean what remedy I would suggest?

1795. Does not that show the temper of the people—that you cannot get at them yet?—I think that is the general idea of the people, to try and come to the rescue of somebody, to help when one is in trouble.

1796. Yes?—It is not that they have any particular sympathy with the poacher, but I think it is the idea that whenever a person is in a difficulty they should help him out of it.

1797. But it is a very great difficulty in the present question, because when prosecutions take place you can't get them carried through with effect?—Well, what I would suggest would be to have all those prosecutions before a Resident Magistrate alone; and an appeal to the County Court Judge sitting alone; and I would increase the penalty. I think that would be a way out of it. It is not, as I say, that there is any desire here on the part of the local magistrates not to convict, but magistrates are like everybody in the neighbourhood here, perhaps inclined to show leniency. It is a bad thing sometimes, but certainly the Bench here show a desire to convict when they have satisfactory evidence, but the one thing I fear is a desire to be lenient when they should not be lenient.

1798. When you poison a pool, how far down does that poison affect the river?—Poison with spruce?

1799. Yes?—I have seen fish dead a quarter of a mile off, but I could not say whether those fish had been carried down or not. I could not say any farther than that.

1800. Because it certainly is not limited to the immediate neighbourhood of where it is put into the river, and the dam-water which we have in the North of Ireland, and which is also a bad poison, goes a long way down. You don't know that?—I do not know, sir.

Mr. Calderwood.

1801. This question has been referred to already about the fear of the small holders, that the State might purchase those fishing rights. That, I take it, shows that the small holders have a fear, or rather that they do realise the value of those rights?—I should say so. I look at it as that way.

1802. Do you think that is a general feeling amongst them?—No, I don't think so.

1803. You don't think so?—Not at all.

1804. Might it be in proportion to the extent of the river that they have got, or merely a general notion?—Oh, I think it is a rumour that got out of a sudden. I never heard of it before a few days ago. I think they do not really know, or they do not really grasp, the object of the inquiry.

1805. But they do appreciate the value of the fishery?—That is the way I look at it.

1806. Then, I think, you spoke about a compulsory assessment?—Yes.

1807. And a rate on that compulsory assessment, to be levied by the Conservators?—Yes, to be levied by the Conservators.

1808. But you do not feel satisfied with the composition of the Board?—No; certainly not, sir. I could not believe that it is a wholesome representation, that every income-holder who may be here to-day and away to-morrow should have a voice in the election of the Board. That is not what I consider wholesome.

1809. Do you serve on the Board of Conservators?—No, sir, I do not.

1810. Then, with reference to the pike in the Inchigeola lakes, and the possibility of hatching trout there, you would have to deal with the pike?—Yes, sir.

185A May, 1901.]

Mr. CHARLES WILLIAM ASKE—continued.

[MAY 1901.]

Mr. Calderwood—continued.

1811. There would not be any use in hatching trout to be eaten by the public?—No, you must first get rid of the pike.

Mr. Green.

1812. Of course, you are perfectly aware, from your legal knowledge, that there are some things suggested which it is possible for the Department to do, and that there are other things suggested which would require legislation?—Yes.

1813. For instance, such a thing as the laying of a rate compulsively, that would not be done without legislation?—That is so, sir.

1814. Now, putting aside these things that would necessitate legislation, and looking only at things that the Department can do, that are within its power to do, one thing suggested was to change the close time, and make the salmon fishing close in September instead of on the 15th of October. That is a thing within our powers, if we are asked to do it, but there are always two or three sides to those questions?—Well, I don't find any fault with the present season.

1815. And, perhaps, you do not quite agree with that?—One objection to the present season is that if the opening was later the river would be better stocked, and we would have better fishing in the upper waters. Well, that might be, but I think it would be a hardship if, where a portion of the river would be fishable, you would close that because the entire river was not fishable.

Mr. JOHN GAVINER, examined.

Chairman.

1822. Where do you reside?—In Macroom.

1823. Are you a fisherman?—Yes, I am.

1824. And you are interested in fishing?—I am. I have for the last thirty-five years been a salmon angler.

1825. Are you a proprietor of any portion of these rivers?—No, my land does not abut on the river at all.

1826. Do you rent a fishery?—I do not. I may say that I have not fished a great deal for the last six or eight years, but before that I used to fish with the Anglers' Club. There was a club, as you are probably aware, formed, the Anglers' Club, and I was connected with it for many years.

1827. Now, tell us about the Anglers' Club, please, and the effect that you think it had on the value of the river?—Well, I assume it had a very good effect on the river. We had salmon in abundance there. I used to fish continually when I was able to get away on an open day, and I continually used to catch three fish a day—two and three fish. That was about my average at the time, and the river was well stocked, because the club used to give great help to the Conservators.

1828. Used to give them considerable help in funds?—The members of the club used to subscribe £3 a year as an equivalent for the open day.

1829. Each member?—Each member subscribed £3. Yes.

1830. And about how many members were there in the club?—I know that there used to be a large number of members. I know the income used to be £100 a year at least.

1831. Thirty or forty members?—Thirty or forty members.

1832. Did those members live at various places along the river?—They did, and a great number of them in the City of Cork.

1833. And I suppose those that lived on the banks of the river exercised all their influence in favour of preservation?—They did, and it had a very great effect on the river, because every member of it was anxious to put down poaching. I took a great interest in the fishing for many years, and I used to work in conjunction constantly with the Conservators and look after the baillies for many years.

1834. Now, what has been your experience in later years—that is, in regard to the upper river and the preservation of the fishing?—As regards the fish, they have decreased in numbers, and the river is not at all what it used to be in the days of the Anglers' Club. I do not mean this year, but up to a year ago. The river is fairly well stocked this year, but I understood that it is not at all what it used to be in former years, in the time of the Anglers' Club. I agree with what

Mr. Green—continued.

1816. These were associations started for a short time on the Inchigeelagh lake, in the time when Father Hanley was there?—I believe so.

1817. Quite apart from anything like compulsory associations, could not that be tried again, could not an anglers' association be established up there?—I think so, and I think that there will be very great chances of success now that the tenants are beginning to value the value of the fishery. I think associations of that kind will be easily formed, and more easily kept up than heretofore.

1818. Do you think they would be more likely to subscribe money to an association, than to subscribe it for assisting the Board of Conservators, and that a larger fund could be got in in that way?—I think, possibly, they would rather support an association they got up voluntarily, than, perhaps, the Board of Conservators.

1819. Where the fund was their own?—Quite so.

1820. And people generally like to have the management of their own funds?—Quite so.

1821. Of course there are a number of associations throughout Ireland, and some of the things they do are such as the netting of pike, for instance, the poisoning of pike, and my Department are always ready to assist those associations financially, and they have done a good deal in that direction. Do you think an association of that sort might be established?—Yes.

Chairman—continued.

Mr. Aske said with regard to the number of fish that you could catch at that time. You would not catch more than a third of that number at present.

1835. Although the number of fish is not so large the fisheries on the river have of late years increased in value?—The fisheries have increased in value.

1836. Roads are higher now?—A great deal higher now.

1837. You heard the evidence given by Mr. Aske?—I did.

1838. You also heard the evidence given by Mr. Williams?—I did.

1839. Do you generally agree with what they said?—Well, I do as regards the poisoning of the river. I mean that it has a terrible effect on the river. I don't agree with what Mr. Aske said about the neighbourhood of Inchigeelagh, about the rivers not being poisoned, for the principal poisoning of the River Lee is in that neighbourhood, and I am now speaking officially upon it, because I am Clerk of Petty Sessions here also, and the river in that neighbourhood for miles near Inchigeelagh is systematically poisoned a couple of times every year—I have reason to know it, and numbers of fish destroyed, not only the fish, but the salmon fry. It is really cruel.

1840. Of course it is. Everything is destroyed?—It is cruel.

Dr. Mahaffy.

1841. When did they begin doing it?—A couple of times every year, it has been done for many years.

1842. Many years?—Many years, and there is no improvement in it. I am sorry I cannot agree with what Mr. Aske said, that of late there was an improvement. My own opinion is that there is no improvement.

1843. And that it is an old practice?—It is an old practice. The river would be far better but for it.

Chairman.

1844. They poison it for the purpose of taking the salmon?—For the purpose of taking the salmon.

1845. What time of the year is it done?—About this time, about the month of May, when the river gets low and when the water is warm, for the idea is that when the water is cold the poison does not take much effect, so they wait till the water gets a little warmer and then they commence poisoning, and when the fish are vulnerable. Later on the fish are not so vulnerable as they are now, and the poisoning not only affects the salmon but the fry. I have gone on the river myself after it being poisoned, and it was lamentable to see the shoals of fry and trout destroyed.

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MR. JOHN GRADNER—continued.

[MARBOROUGH.]

Chairman—continued.

1846. Is there any public feeling against this thing?—Oh, the general feeling is against poisoning.

1847. And by what class of persons is this done?—Well, we have had prosecutions from time to time.

1848. That is the reason I ask you. As Clerk of Petty Sessions you would know?—Oh, yes, young labourers in the county and small farmers and their sons. Farmers' sons have been convicted here, and I may say that the Bench of magistrates are most determined to put down poisoning, and in the last case that we had they inflicted a fine of £30, which is the highest penalty, on every man convicted. They are most anxious to put down that system of poisoning, and as regards our magistrates here, I may say that they are determined to put down poisoning.

1849. Of course, the cases must be brought before them?—And proved.

1850. And they must have sufficient evidence?—Yes, and they will convict when the cases are proved, and they give the highest penalty in poisoning cases. And I wish to correct another matter which has been stated, that in some cases the fines have been reduced and remitted on application. I may say that in the poisoning case that I refer to there was a petition sent forward, and that the fines were not reduced for poisoning. Whatever may occur in strike-breaking cases, my own experience is that the fine is never reduced in poisoning cases, and very deservedly so. And may I also say, sir, as a suggestion, that I think that a fine is not a sufficient deterrent in the case of poisoning.

1851. That the man should get imprisonment without the option of a fine?—I understand that in England the law is that it is an indictable offence. I may be wrong, but that is my impression.

1852. We have heard that, and we believe it to be so?—And I may say from my experience, that it would be a great improvement in the law if that was adopted here, because I have no sympathy with poisoning, and that is the feeling here, and that we should put down poisoning if possible, and I think it should be made an indictable offence, punishable by imprisonment and no fine.

1853. And then you would have it sent before a jury?—Oh yes, sir, and I think a jury would correct for poisoning.

1854. Now, the witnesses that give evidence against poisoning and against netting, and against other offences on the river, are they either bailiffs or police, and do you ever have an independent witness?—Very seldom.

1855. But any voluntary?—I don't think so. There is another system that they adopt here, of using dynamite, which is most destructive. First dynamite is procured. Persons are blasting a good deal in the neighbourhood and they have dynamite, and parties who have no proper use whatsoever for it put it in that way, and it is used very extensively, and then you are aware that the dynamite is very destructive to salmon.

1856. I believe that the permission to have that or to purchase it, which was formerly required by law is now not necessary?—I believe, sir, that the law is at present that you must get a certificate from the District Inspector of Police before you are entitled to it, and it is illegal for a man to have it in his possession without this certificate, and we have had a case here within the last twelve months where dynamite was found in their possession, and it is against the law at present.

Dr. McAffy.

1857. Cannot anybody buy dynamite?—No, the party must have a licence to go and buy dynamite at present.

1858. But there is no limit to the quantity?—And no limit to the quantity.

1859. Could not a man who is going to blast give some of it to a poacher?—I have used some for blasting purposes myself on my own farm within the last few years, since the repeal of that Act, and I had to get the certificate of the officer of police before I got it, in Cork.

Chairman.

1860. What Act?—The Explosives Act.
1861. That is what I was alluding to?—The Explosives Act is repealed.

Chairman—continued.

1862. And now, instead of that?—The District Inspector of Police issues a certificate. I had to get one myself when I was potholing it.

1863. Now, is there any other point that has not been dealt with largely by the two previous witnesses that you would like to give us information about?—Well, sir, I don't think there is, except as regards the Inchigeelga lakes. I know a good deal about those lakes, because ancestors of mine were living in the neighbourhood, and from information that I have received at then heads, the lakes were grand trout lakes in former years, but a good many years ago the pike got into them, and when the pike got into them they destroyed the trout.

1864. Did you hear of rainbow trout being introduced?—Well, I heard some report of it, but I know the pike destroyed the trout; and they were great trout lakes at one time.

Dr. McAffy.

1865. We have got hundreds of cases of that kind. Did you hear what I said about the killing of the pike?—Yes, and I should say that that would be the remedy, to kill the pike if possible. I was listening to what you said, and what suggests itself to me is, that it would be a very good way to take the spawn of the pike, and that would be also a very good way to destroy the pike. They spawn in shallow waters, and it would be very easy to take the spawn.

Chairman.

1866. What my colleague suggests is, that you should take the pike spawning to spawn, and that would be a better way to do it?—But you can't do it, unfortunately, for want of funds. And I also wish to say that the funds that the Conservators have are entirely inadequate for what they have to do. Here we have one bailiff in this district, and that man has to look after sixty or eighty miles of river. It is ridiculous. I should say that, at the present season, you would want at least six or eight bailiffs.

1867. Have you any suggestion to make as to the raising, or so to no increase of the valuation?—Well, sir, I think that if the Department financed it it would be a very good thing.

1868. If the Department gave more money?—If the Department gave more money.

1869. They are not ungenerous at present, you know?—I know they are not, but the funds of the Conservators are wholly inadequate, and it is quite idle to try and preserve the river with them. And then, in the spawning season, you have no bailiff here at all, and take the last season, there was only one bailiff dealing with sixty or eighty miles of spawning river, and I have continuously seen lights on the river at night, and the fish up there destroyed, and so on there to look after them. The parts of the river that I speak of are four or five miles from a police barrack, and there is no preservation whatever, and not a policeman can be seen there, and, perhaps, there is not a police barrack at all on the river, and one man can't be expected to preserve the river, and what you want is funds. And then, as regards the length of the season, there is another suggestion. I quite agree with what Mr. Williams said as to the closing of the season. I have caught salmon myself about the close of the season that we could not use, and I think it would be a good matter for the fishing if it was closed one month earlier, because you catch a lot of fish that are practically useless, and full of spawn. And then, as regards the opening of the river, sir, I am speaking of this neighbourhood, and I think it would be a great advantage not to have it opened for at least a fortnight after the 1st of February, because then you would have the river better stocked, and the anglers would not have the fish scratched and jugged coming up in the river, and would have some of them fresh, and it is my experience that you would have a better take here.

Dr. McAffy.

1870. What would meet your views, perhaps, would be to have a different season on the lower river?—No, sir, I would wish to have one season for the whole.

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Mr. JOHN GRAYSON—continued.

[Murmured.]

Dr. Mahaffy—continued.

1871. Surely the fish come up earlier in the lower reaches of the river?—Well, at present the fish do not come up in the lower parts of the river much earlier, but I think it would be better to have the season opened for all on the same day. I remember when the season did not open till the 1st of March. That was a good many years ago, and the fishing was better.

1872. You have a smaller amount of fish, but I have some doubt whether the whole cause of that is the drumming and poisoning with sponge in late years. Many rivers in Ireland have got worse without any sponge at all, and the only cause I can assign is the net fishing at the mouth. The net fishing at the mouth has increased enormously?—Yes.

1873. There are 100 nets at the mouth for the one there was in former times, and I think that is a greater cause than the poisoning?—The worst cause is that the young fish, the fry, are poisoned. I have seen them in shoals destroyed. You have also asked to what distance the sponge would take effect.

1874. Yes, certainly?—Well, I have seen the fish dead a mile and longer from where the sponge was put in.

Chairman.

1875. But the dead fish might have come down the river?—Well, I have seen the fry dead all the way down.

Dr. Mahaffy.

1876. It is likely the poisons try to catch all the fish in the pool and do not poison lower down?—My impression is that the sponge takes effect for at least three-quarters of a mile and destroys the river.

Mr. DAVID MORPHY, examined.

Chairman.

1886. Where do you live, Mr. Morphy?—Two miles from the town, to the east.

1887. On what estate did you live formerly?—I held a fishing on C. J. Segre's estate.

1888. You purchased your holding?—Yes, sir.

1889. When?—Five or six years ago.

1890. That holding is on the bank of the river?—Yes, sir.

1891. Does your property take in one bank or two banks?—Well, it takes in one bank, and I have some fishing on the other side also.

Dr. Mahaffy.

1892. Some land on the other side?—Yes, sir.

Chairman.

1893. Is the fishing you have on the other side also derived from land you purchased?—No, sir; I always had it.

1894. And as regards the fishing that passed to you on the sale of the estate, what length of the bank of the river is there in that?—There is a part of it with not very much fish on it.

1895. What length of the bank of the river is on the portion of land that you purchased?—About a quarter of a mile.

Dr. Mahaffy.

1896. A quarter of a mile?—A quarter of a mile.

1897. How do you use it, or do you let the portion of the fishing that was yours before you became a tenant purchaser—that is, on the other side of the river?—I do, sir.

1898. Year by year, or did you lease it?—I never leased it. It is year by year.

1899. Do you let it on an outside rod fishermen, or do you let it on an adjoining proprietor?—I let to a man that lets it over again to a certain man, and he takes all the fishing round, or a good deal of it, and he sublets it to anglers coming from England.

1900. And you do not really let to the man who fishes it?—No, sir.

1901. You let it to a man who takes a number of these fishings, and he lets it?—And he lets it.

Mr. Colderwood.

1877. I did not catch at what time your sponge poisoning takes place?—Well, this time of the year.

1878. Is the river then in the best condition for it?—It is in the proper condition at present.

1879. How long does that good condition last?—They say till coming on to August. It is not then so good.

1880. So that from now to August would be the time for poisoning with sponge?—Yes; that is, from May to August.

1881. And then you say that regular sponge poisoning takes place twice a year. At what other time would it take place?—I say that sponge poisoning takes place twice a year at places on the river near Inchigola. They would poison now or a little later, and then the floods would replace the water again, and the moment that occurs, when the pools are well stocked, they poison again.

1882. Then the second poisoning would be before the end of August?—Oh, yes. You see, every flood brings up a stock of fish, and then, when the pools are stocked, they poison a second time.

Mr. Green.

1883. Do blackberry fish come up now—don't there a great increase in them?—I have not noticed it.

1884. Have you blackberry fish coming up near the end of the season?—The fish I speak about are what we call heavy winter fish.

1885. Not blackberry fish?—Not blackberry fish, but heavy winter fish, and we get none of them, so it would be useless to keep the season open so long.

Dr. Mahaffy—continued.

1902. And did you let to him the fishing that you acquired by the purchase of your holding?—I did, sir.

1903. Did many tenants on that estate acquire rights as riparian owners on the river?—They all did on that side.

1904. They all did?—They all did.

1905. How many?—I think it was five in all.

1906. They have all let their rights?—They all let it much in the same way, mostly to the man and sometimes to other parties.

1907. They all let their rights?—They all let.

1908. For what period?—I let from year to year, but I think some of the others have leased.

1909. I suppose the same amount comes to you all?—Yes, the same amount.

1910. And you are satisfied with the arrangement?—Yes, sir.

1911. You think that is an arrangement that most tenants could make who acquired those rights?—I think it is.

1912. You heard it stated here, and it has been suggested, that some tenants might sell their rights outright. You do not agree with that, I presume?—Well, I could not give any opinion, sir, as to what other fellows would do.

1913. It would depend on the price you were offered?—Yes, exactly.

1914. At any rate, you are satisfied with the arrangement that you act upon at present?—Yes, sir.

1915. Was there ever any suggestion that you and the other tenants on this estate that was sold should join together for the purpose of letting your fishing direct to a fisherman?—No, there was not, sir.

1916. Now, on the subject of the poisoning in this river, you have heard it stated here that it was poisoned and noted, and that, in fact, everything was done that could be done to destroy the fish?—Well, as far as our part of the river is concerned, where the tenants are interested, I think it is quite a thing of the past. I have not seen it for the past two or three years.

1917. And was that practised before the tenants acquired the rights?—It was.

1918. And you would ask the reason why if you saw such a thing going on—if anyone came to carry on these practices you would ask them the reason why?—Well, they know the tenants are on the bank and that they would be seen, and they don't come there.

15th May, 1911.]

MR. DENIS MURPHY—continued.

[MACROOM.]

Dr. Mahaffy—continued.

1919. Of course, you are aware that the value of your property is very much enhanced by the value of the properties above you and below you, and if a man poisoned the river above you it would injure your fishing as well as the fishing of the man that is above you?—Oh, yes, sir, I am aware of that.

1920. And therefore it is the interest, and ought to be the interest, of every tenant on the river to put a stop to these practices?—So it is, too.

1921. And do you think that the people who commit these offences understand that thoroughly?—I think the people who commit the offences don't mind what they are. They are uneducated parties. They come from the upper reaches, where there is generally no fishing.

1922. But even up there, at that distance, they do you harm?—Oh, they destroy the fry.

1923. The more valuable this river becomes, of course, the higher rents you will get?—Yes, sir.

1924. And no matter how small a portion of the river a tenant may have, it is to their interest to put a stop to all this?—It is, sir.

1925. You are down on the bank, where your property is, early in the morning, and you are farming there?—Yes, sir.

1926. And if you found people poisoning there what would you do?—Oh, there would be no idea of poison-

ing my fields. I did not see any poison for the last twenty years.

1927. Supposing you found one there what would you do?—I don't think that I would find them, because they would be gone before I was up in the morning.

1928. And if you caught him you would stop him?—Oh, yes, sir.

1929. And would you say there is not much fear of that now?—Not in my locality.

1930. Did you ever fish yourself?—Oh, I did, sir.

1931. Oh, I see, you are a sportsman yourself. You don't fish any more, now that you have let?—No, sir, I gave that up.

Mr. Green.

1932. You say that poisoning has gone down a good deal?—In my own part of the river.

1933. And would you think there is any change in the condition of the people?—Well, I think it has a good deal to do with it. I say the tenants have an interest in it.

1934. Are the people more comfortable now, and is that the reason they don't poison so much?—Oh, no, I don't think that is it at all.

CONSTABLE JAMES IRWIN, examined.

Chairman.

1935. Are you stationed at Macroom?—Inchigeola.

1936. How long have you been there?—Two years and nine months.

1937. Is the police barrack on the lake?—It is just at the end of the lake.

1938. How many men are in that?—There are four men at present.

1939. What district is this in?—The Dunesway District.

1940. Now, you have heard some of the evidence here, and you know the object with which we are making this inquiry?—Yes.

1941. And will you give us in what way you like what you have to say on the subject of the destruction of fish at Inchigeola and the prevention of these mischievous practices and the preservation of the fish?—Well, sir, I will take poisoning first, and as regards poisoning it is very hard to prevent it, because there is a tendency on a portion of the Lee to poison every year a portion of the river, about a mile and a half, which has very good fish.

1942. How far would that be from your barrack?—The nearest portion would be three and a half miles or four of rough country. As a rule, we have only three men there. There is never any baiting there, only in Macroom, so we can't attend to this, of course, every night, and it is about break of day in the morning that they poison it, say, from about half-past two to four o'clock. They poison it with balm-tree; some call it spruce; it grows on the banks of the river. They take this stuff and trample it in the river in a bag.

1943. Is it prepared before they come to the river?—They bruise and crush the roots and put it into a bag or creel, and they shake it in the creel or trample it in the bag on the current.

1944. How many people are engaged in this?—Anything from eight to fifteen or sixteen.

1945. I suppose it is difficult to get information as to anything?—Hardly ever. It is hard to get any information.

1946. What kind of people are engaged in this?—Farmers and their sons; they do it for profit.

Dr. Mahaffy.

1947. I suppose they learn it from their fathers. I suppose they always did it?—Always.

Chairman.

1948. Is it far profit that they do it?—Oh, always.

1949. It is not at all moment or sport?—Oh, no.

1950. Where does the fish go to?—I believe the Cork. In Dunesway I believe they can sell some of it.

1951. Have you had many detections for poisoning?—We had one case since I came to Inchigeola. There was, I think, some £50 paid in fines for one detection. There was an awful lot of destruction. There were a good many fish killed and a terrible lot of fry and trout killed at the same time in the river.

1952. You speak of poisoning. Is there any other method of destruction pursued?—Not much in the summer except strake-hauling. Of course, that is not very destructive, because it is only in the upper portion of the river, because the bottom is too rough and rocky. As regards trout in the lake there are no trout there, because pike are there.

1953. Does anybody try to destroy the pike?—No, except by fishing rod alone. I have known as many as four and five to be caught in one day by one man.

1954. That would not do much to reduce the number in Inchigeola?—No; there are hundreds of them in the lake.

1955. Large ones?—From ten pounds down. The average is about seven pounds and six pounds.

Dr. Mahaffy.

1956. Not bigger?—No, I never saw any larger than that.

Chairman.

1957. Have you any other information to give us?—I don't think so, but as regards the poisoning and destruction of fish I think there should be more help on the river to prevent it. I believe that if there were more men there this would be put down. Of course, there are no bailiffs. I only saw one bailiff since I came to Inchigeola for practically four or five miles of water.

MR. JAMES DOWNER, examined.

Chairman.

1958. Where do you live?—Mushoonlagh.

1959. How far is that from here?—Three and a half miles. My place is three and a half.

1960. Is it above or below Macroom?—No, to the east.

1961. Below Macroom?—Below Macroom.

Chairman—continued.

1962. You are a purchasing tenant?—Yes, sir.

1963. What was the estate?—C. J. Sugrue's estate, the same as Mr. Murphy.

1964. Is your farm near Mr. Murphy's?—It is a little to the east of Mr. Murphy's, on the other side of the river.

18th May, 1911.]

MR. JAMES DOWNEY—continued.

[Macroom.]

Chairman—continued.

1965. Who used to fish that portion of the river before you purchased the right?—Mr. Barry.

1966. Did he take the fishing from the late landlord?—I believe so, sir.

1967. When you got the right as proprietor you let it?—Yes, I did, sir; immediately after.

1968. For what length of time did you let it?—For five years, sir.

1969. And you had no difficulty in letting it?—No, sir.

1970. Did your neighbours let to the same term as you did?—Yes, sir.

1971. Is it the same person who took your river that took the river of your neighbours, or is it a different man?—A different man, sir.

1972. What length of the bank of the river is on your farm?—I suppose it is over three-quarters of a mile.

1973. That is a good stretch?—Yes, sir, it is. It is that in any case.

1974. Now, you have heard about the different practices of poisoning, netting, gaffing, and destroying the fish in every way. Is there anything of that sort going on in your part of the river?—I don't think so, sir; since it got into the hands of the tenants anyhow.

1975. I suppose you would prevent anyone who would come there to do any of those things?—I would, sir, prevent them, for my own interest.

1976. Of course, the rent you get depends on the value of the river?—Yes, sir.

Chairman—continued.

1977. And if the river increased in value, you would probably ask a higher sum?—I suppose I would increase it.

1978. So that you have a direct interest in increasing the value of the river all round?—I have, sir, and I would if I could.

1979. Now, if there is poisoning or poisoning, or any of those things above your part of the river, or below your part of the river, it affects you as well as everyone else, does it not?—Scarcely.

1980. And, therefore, shouldn't it be the object of every tenant purchase, and every man on the river, to prevent poisoning?—I am of that opinion, sir.

1981. Have you ever tried to impose your regulations who are above you with that opinion, too?—I often spoke to them, and I think they were as willing as I am to preserve it.

1982. It appears that there are some people who live on the tributaries high up who do not care very much about preserving?—Oh, I dare say, but they would all try to preserve in that townland, anyhow.

1983. I hope that, not only as regards your own townland, but elsewhere, that you will try and inform all your neighbours that if you heard of their doing anything wrong on the upper reaches of the river you would have no hesitation in prosecuting them?—Indeed I would not, sir.

MR. PATRICK KEOGHALLY, examined.

Chairman.

1984. Do you live on the same property as the last witness?—Yes, sir, I am a tenant of the land just at this side of it.

1985. And what stretch of the river have you?—Well, something about half a mile of river, sir.

1986. That is a good length?—Oh, it is a long stretch.

1987. And good fishing?—Oh, yes, fairly good, sir. The last man's fishing, I believe, is something better. He has bigger pools.

1988. But, after all, if your part was badly treated that would lessen the value of his place?—Oh, it certainly would.

1989. A river is not like anything else?—No, of course, sir; if poison was put in my place it would run along to his place.

1990. And if poison was put in the upper reaches of the river it would kill the salmon fry there, and there would be less salmon coming down to you?—Oh, that is a fact.

Chairman—continued.

1991. And if the river was poisoned below there would be less salmon coming up to you?—That is a fact.

1992. What is the interest of one is the interest of all?—The interest of all; but, of course, there are a lot of tenants who have no rights of fishing at all, and who are quite careless about it.

1993. There is no doubt about that, but it is, at the same time, a very reckless thing to poison a river, is it not?—Well, sir, those fellows down there will have a lot of a spree out of it.

1994. It is not for sport but for profit?—Well, I don't believe it is for profit they do it at all.

1995. But they sell the fish all the same?—Oh, they sell the fish, of course.

1996. Then it is business and pleasure combined?—Well, I don't believe there is much pleasure in it at all, sir. It is not much pleasure to be out all night.

1997. But you will do all you can to preserve the river?—Oh, indeed, I will, sir.

The Committee adjourned.

SIXTH PUBLIC SITTING.

TUESDAY, 16TH MAY, 1911,

AT 11 A.M.,

At the Court House, Dunmanway.

PRESIDENT :

THE RIGHT HON. SIR DAVID BARRELL, K.C.B., M.C.T.O. (Chairman).

THE REV. JOHN PENLAND MAHAFFEY, D.C., M.D., C.T.O.
MR. W. L. CALDERWOOD, F.R.S.E.

MR. W. S. GIBSON, C.B.

MR. R. H. LEE, Secretary.

THE RIGHT HON. THE EARL OF BARNDOY, examined.

Chairman.

1998. You are His Majesty's Lieutenant for the County of Cork?—Yes.

1999. And you reside in Bandon Castle?—Yes.

2000. You are acquainted with both the rivers Lee and Bandon?—Yes, I am so all my life.

Chairman—continued.

2001. And I believe that you are Chairman of the Board of Conservators?—Yes, for the Bandon and the Lee.

2002. Your lands were situated on the banks of the Bandon?—Yes, and the Lee, too.

19th May, 1911.]

THE RIGHT HON. THE EARL OF RANDON—continued.

[DUBLIN WARE.]

Chairman—continued.

2003. You have disposed of most, if not all of them?—All of them.

2004. And I understand that you have reserved the fishing rights?—I have reserved all the fishing rights on the Bandon and the Lee for my life.

2005. For your life?—Yes.

2006. Now, Lord Randon, we have had considerable evidence as regards the Lee, but could you give us an idea of the length of the Bandon river from the sea to the source or to the principal tributaries?—About forty miles. In fact, the Bandon river rises on my property. Callena Lake is the source of the Bandon.

2007. Your property was on both banks of the river?—Yes, above here and below at Ballynash, about eight miles back here.

2008. On both sides?—On both sides.

2009. Now, about what extent of the river runs through your property?—Oh, I should think certainly about ten miles, if not more.

2010. Then you are really interested in about a fourth of this river?—Yes, and I might just mention that I own about five miles of one side of the Lee.

2011. At what point, Lord Randon?—It is near Broadmaye.

2012. We will just confine ourselves to the Bandon river at present, if you please?—Yes.

2013. Can you give me the names of the other principal proprietors on the Bandon?—Well, Sir John Ayscough owns a great deal of it, some adjoining my fishery.

2014. Acquired from the Duke of Devonshire?—Yes, the Duke of Devonshire's property. And then there is Captain Peacock, at Innishannon. He has got the whole of that. That really belongs to Mr. Moreton Ffrench.

2015. Has Captain Peacock rented it?—Yes.

2016. But it belongs to Mr. Moreton Ffrench?—It belongs to Mr. Moreton Ffrench.

2017. Has he sold to the tenants?—It is in process of being sold.

2018. And he is reserving the fishing rights?—He is reserving the fishing rights.

2019. Then the other principal proprietors on the Bandon?—Mr. Conner, of Mauch, that you have just passed is coming here and Mr. Morris, who is I understand, going to give evidence here to-day; and about two miles above here, Mr. White's property; and my own comes in again after that, and I think we own the whole of the rest of it.

2020. Now, have any of the proprietors sold without reserving the fishing rights?—I believe not one on the Bandon River. So far as I am informed they have all reserved the fishing rights for their lives.

2021. And I presume there has been no difficulty about doing that?—Not the least. I had no difficulty at all.

2022. But it did make a difference, I suppose, otherwise?—Well, as far as the Bandon River is concerned, I had not the least trouble, and there was not a question asked. But the Lee was different.

2023. We will just deal with the Bandon at present?—Yes.

2024. Then, as a matter of fact, the particular questions into which we are inquiring do not arise here?—No.

2025. That is to say, none of the riparian fishing rights have passed to the purchasing tenants?—No.

2026. Well, you have given the names of the principal proprietors?—Yes, the principal proprietors.

2027. Are there small riparian proprietors on the Bandon?—I don't think so. Not that I know of.

2028. Not even in the upper reaches, on the tributaries?—No, not that I know of.

2029. How many Conservators are there in the district of the Bandon River?—There are three for the tidal part and three for the upper part, and then there are the ex-officio Conservators.

2030. About how many ex-officio?—Fourteen, I think.

2031. Then that will be very much as it is on the Lee—twenty or twenty-one altogether?—Yes.

2032. And can you give us a rough idea of the income of the Conservators here?—Our Secretary has got all the books here.

2033. I will ask him, if you please, afterwards. At any rate, you have not much difficulty about the income of the Conservators on this river?—No, I may say we are in a very flourishing condition.

Chairman—continued.

2034. And are you able to make arrangements which fairly preserve the fish on the river?—Well, I think there might be a great improvement as far as that is concerned, but we do our best with our means.

2035. We have been dealing with the upper reaches of the river so far, and I will just ask you a question or two now about the tidal portion. I believe the tidal portion of the Bandon River is long, that is, that the tide runs far up into the river?—It goes up beyond Innishannon Bridge.

2036. About how many miles is that from the sea, is it eight or nine?—Ten from Kinsale.

2037. And these are fishing rights on that tidal portion, I understand?—I don't know very much about the tidal part.

2038. Then I will ask another witness as regards that. Now, Lord Randon, as to the constitution of the Conservators and the way they are elected—I understand that the elected members are elected by the licence-holders?—Yes, they are.

2039. Three for the upper waters and three for the lower?—Three for the upper and three for the lower.

2040. And the ex-officio members derive their office from being Justices of the Peace and holding lands on the bank?—And holding lands on the bank.

2041. And also they must take out a licence?—They must take out a licence.

2042. Those are the three conditions?—The three conditions.

2043. Are you quite satisfied now with the administrative power of the Conservators?—At present I am. I think it works very satisfactorily, but I should be very sorry to give any opinion as to what may happen hereafter.

2044. That is to say what may happen hereafter on this river when the riparian power passes to the tenants?—Yes, that is so.

2045. On in cases where it may be at present in process of passing?—Yes.

2046. Perhaps you would give us now your opinion, as we have not had the benefit of it yet, as to the Lee. We have had a good deal of evidence about the Lee, that there is a lot of poaching unfortunately?—There is a fearful lot of poaching, which if I may use the word, is really a curse to the river. It is all done with the spurge. As far as I am personally concerned, I believe there is no doubt that it is a felony in England to poison, and unless something is done with regard to these rivers here to make it a felony punishable with imprisonment without the option of a fine, I think it is almost useless to preserve.

2047. Do they poison this river, the Bandon?—Not for two or three years, but they used to, and I am glad to say that for the past three years there has been no poisoning.

2048. That is very satisfactory?—Most satisfactory.

2049. To what is this attributable—is it to better watching, or to a better state of feeling?—I think it is a better state of feeling; and I don't want to say anything about myself, but I did my very best with people educated here.

2050. That is to say, public opinion has been aroused against it?—Public opinion, and I met a great many reversed gentlemen whom I spoke to, and I think they certainly have done a great deal. There has not been any poisoning for three years. And, of course, this dynamite is nearly as bad as the poisoning.

Dr. Ashafo.

2051. It only affects one pool?—One pool, but I may say it affected me mostly. They dynamited a pool in my own park, just below my own house, and my keeper happened to be watching, and he caught a pike, and a dead salmon, too; and I am glad to say the man was fined.

Chairman.

2052. Of course, dynamite, since the operation of the Explosives Act, can be obtained more easily than before?—I believe anyone can get it now.

2053. There is a certificate necessary, I believe, from the District Inspector?—So I was told yesterday—but I think there is a great deal of dynamite that passes along without much fear?—Oh, a great deal.

2054. Quite commonly?—Oh, quite. Take the case of this dynamite that happened as my own park.

16th May, 1911.]

THE RIGHT HON. THE EARL OF BENDON—continued.

[DUMFRIES.]

Chairman—continued.

2055. Are there other forms of poisoning on the Bandon now, netting, for instance?—I don't think so. Of course, that is the same as poisoning. I have heard of this river being netted, but not for some years.

2056. I presume the spawning beds are on the upper reaches of the river?—Well, all over the river, or nearly all over the river.

2057. Is there much destruction of salmon at the spawning beds?—Oh, the destruction comes in where the salmon go up the small streams, the tributaries; and I don't believe one single salmon ever comes back alive.

2058. They are killed either before spawning or afterwards?—Yes, during the spawning, and if you will allow me, I should like to make a suggestion which I made before, at the last Viceroy Commission sitting in Cork, and that is, that I am perfectly certain that a great deal might be done by obstructing the spawning fish or rather stopping them from going up those small rivers by a grating, just for a month or so, November and December.

Dr. Mahaffy.

2059. Of course, that does not refer to the lake?—No, I am talking of the small streams that come down into the Bandon.

Chairman.

2060. Into the Bandon river?—Into the Bandon river; and if you could only put a bar to stop them going up those small streams, they then would have to spawn in the river proper, and there would be a chance of their returning.

2061. Of course, a salmon always tries to go as high as he can?—Always.

2062. It has been suggested that such a bar would probably collect the salmon at that particular spot, and leave them very conveniently placed for being scooped out?—Well, of course, the billfish might watch that.

2063. Might watch the place?—Yes.

2064. You think that would be a good way of stopping them from going up the small tributaries?—Oh, I am quite certain of it, but it is not only those small tributaries that they go into, but very often ditches. I know myself three or four places where we might perfectly stop them. Very foolish things as the salmon are, they go up to any place where there is water enough to spawn.

2065. The smallest place they can struggle through. Are there trout in the upper tributaries?—Oh, yes, there are, certainly.

2066. Is that free fishing?—No, it is not; it is my own lake.

2067. But I mean on the small streams?—Yes, on all the small streams about.

2068. Is the trout fishing on the lake good?—Yes, very good, indeed, now. I might mention that I think I made it good in this way. About four miles from where we are sitting now, on my own property, there were two current rocks which stopped all salmon and all trout going into the lake, and I myself, at my own expense, about three years ago, had all this blasted, and I can tell you that now all the salmon go up and spawn in the lake, in the little stream above, and last year and this year the lake was strewn full of salmon fry, and also the trout from the lake have come up, too.

2069. Have you any pike in the lake?—Oh, no.

2070. You are fortunate?—There are no pike in the Bandon River, while the Lee, only a few miles away, is full of pike.

2071. And, of course, the tenants on the banks of these tributaries of the Bandon have little interest in the fishing except through the influence exercised by you or by other persons owning property on the banks of those tributaries. The tenants do not see much fishing, and they do not derive any benefit from it?—No, not the least.

2072. None whatever?—None whatever.

2073. And it is in those small tributaries that the salmon are destroyed in the spawning season. No doubt if the tenants combined to prevent such destruction they could exercise a very large influence?—Oh, I am sure they could.

2074. Is there any way in which you can suggest that they could be interested in that?—I don't know.

Chairman—continued.

2075. I take it that they do not sympathise very much with this destruction, but at the same time they do not think it is their business to prevent it?—Oh, certainly.

2076. I mean that is the suggestion?—That is the suggestion.

2077. The farmers kill the fish and salt them and hang them up and use them for food?—Yes.

2078. And very poor food it is?—Very poor.

2079. You have given us some valuable suggestions, Lord Bandon. Is there anything else now that strikes you just before we leave the subject of the Bandon River?—Of course, as I mentioned, I hope there will be no recurrence of this wretched poisoning, and, as I said before, I think it will not be stopped until it is made the law that you can send the offenders to prison without the option of a fine. I think that is the only way to put a stop to it.

2080. Of course, imprisonment without the option of payment of a penalty is severe in a case of summary jurisdiction, and as regards a case of felony, of course, you are aware that that would have to go before a jury?—Yes.

2081. Which sometimes is a protracted process. Upon the whole we may take it that you think that the state of affairs on the Bandon River is satisfactory?—I think fairly satisfactory.

2082. And is there a good supply of fish running from the sea?—Oh, there has been a great deal for the last two years. There has been a tremendous increase of salmon. Last year was the best year they ever had.

2083. Do you know that that is attributable to anything in particular?—I am perfectly certain that it is attributable in the first place to the fact that spruce poisoning has been stopped, and, I believe myself, also to the fact of having allowed the salmon to go right up into this lake and spawn there, instead of having to go up into places where they were every one taken out.

2084. As regards the Lee, can you give me any help in the way of suggestions?—I cannot think of anything unless the stopping of this poisoning if it could be done.

2085. Yes; the Board there, on the Lee, complain of a want of funds?—It would be well if they could employ more keepers. It is a much bigger river than the Bandon.

2086. And more difficult to preserve?—Much more.

Dr. Mahaffy.

2087. Well, my lord, with regard to the comparative value of the Lee and the Bandon, the River Lee is, of course, a very much bigger river?—Yes.

2088. Is the size of the fish smaller on the Bandon?—No, I don't think so.

2089. They are about the same size?—I think they are rather larger fish.

2090. And for either river not very large?—Not very large.

2091. You sometimes get a twenty-pound fish?—Well, there have been a good many killed over twenty pounds this year on the Bandon River.

2092. That is very promising. The Bandon River must have an Irish name. It is called after a place of Lord Cork's, the founder of the town down here. The Irish name of it is the Glaslin, is it not?—I am afraid that is a question that I cannot answer.

2093. It cannot have been called the Bandon River before Bandon was built by Lord Cork. Now, do the fish run in the same season in the two rivers?—The Lee is an earlier river than the Bandon. I would much rather myself that the Bandon did not open till the 1st of March. The Lee opens on the 1st of February, and the Bandon on the 15th of February.

2094. One is a fortnight earlier than the other?—Yes.

2095. There are pike, you say, in the Lee and not in the Bandon River?—Yes.

2096. Do those pike come down from Inchigeola?—I believe so.

2097. You know that the pike is an imported fish in all these places. They have been imported, the spruce poisoning through birds and that sort of thing, so you are not safe in coming years?—I have never seen a pike killed in the Bandon.

16th May, 1911.]

THE RIGHT HON. THE EARL OF BANDOY—continued.

[DUNSMAY.

Dr. Mahaffy—continued.

9099. You say that allowing the fish to go up to the lake to spawn is of very great value?—Yes.

9100. But surely the fish do not spawn in the lake?—No, there are streams coming down.

9101. They go into the small streams to spawn?—I know that salmon, as a rule, do not spawn in a lake, but it is tremendously gravelly.

9102. And shallow in places?—Yes, but deep in the middle.

9103. I have always known salmon to go up into streams to spawn?—Yes, but there are three or four very good streams.

9104. And, of course, the greater the number of streams you have the better chance the fish have?—Yes.

9105. You say that when you were selling your property they did not raise any question about the fishing?—Not on the Bandon River.

9106. They did not think that they were losing any property; but they did in the case of the Lee?—One or two tenants on the Lee, but it was very easily got over.

9107. And they would not be prevented from having prospective rights by your reserving the fishing rights for your own life only?—Only.

9108. That is giving them a very valuable property hereafter?—It will be most valuable.

9109. And that will all pass to them sometime or other?—Yes.

9110. But I am glad that you have no good a life that it is not worth talking about.

Mr. Calderwood.

9111. With regard to rights which may have passed to tenant purchasers, Lord Bandon, is there much contribution at all from those tenant purchasers in the interest of the river?—I don't believe they pay a shilling.

9112. Not a shilling?—Not that I am aware of.

9113. And with regard to the rights which they have reserved, the individual rights, how much water might they have on the Lee?—I don't quite understand.

9114. I was referring to the extent of water which might go to the farmers?—About four miles.

9115. And how many tenant purchasers might there be in these four miles?—I think there are in my case only three.

9116. And there is difficulty in getting any contribution in proportion to the rights which these tenant purchasers may hold?—I don't believe they pay a penny.

9117. And those rights are apparently going to become very valuable?—Yes.

9118. And, therefore, it would be to their interest to regard the general welfare of the district?—Yes, and arising out of that question I may say that I am perfectly certain myself that the only chance in years to come will be for either the Government or a Government Department to take up the fishing rights.

Dr. Mahaffy.

9119. Then if they feel that the Government is doing that for them they won't have any real personal interest in working it for themselves?—I don't know. I am perfectly certain that if something was not done like that there would be great difficulty. There are so many tenants coming in as proprietors on the Bandon River—I suppose there will be two or three hundred—and you will never get those people to agree.

Mr. Calderwood.

9120. There are 300 tenants, you say?—I should think something like that.

9121. And what would be the average footage to the river?—That is a very hard thing to say.

9122. Not very much?—Not very much.

Mr. Calderwood—continued.

9123. But still in the aggregate the value would be very considerable?—Oh, very considerable. I may mention, as I knew it to be a fact, having been down on the Bandon River, that in a great many cases there the right was not reserved.

Dr. Mahaffy.

9124. Where is that?—Near Skibbereen. And that river is dynamised, and now the tenants ask 6s. a day from a person going to fish.

Mr. Calderwood.

9125. That introduces another matter that I wanted to ask you about with regard to poaching on the Bandon. Is there any poaching by netting?—I believe there is sometimes, but I think, as I said before, for the last two or three years there has been a great change in the Bandon River.

9126. Rather for the better?—Oh, much for the better.

9127. Then what season has the fishing here?—It begins on the 15th of February, and goes on to the 15th of October.

Dr. Mahaffy.

9128. Is not that too late?—I think it is too late, much too late. I think that the Bandon River ought to open on the 1st of March and ought to close on the 1st of September.

Chairman.

9129. Has any movement ever been made by way of application to have the season altered?—I think there was.

9130. Of course, they are always open to consider such applications?—Oh, of course. We sent a requisition, asking them to hold on inquiry.

Mr. Calderwood.

9131. There is the ordinary machinery for dealing with that, I suppose?—Yes.

9132. Is there plenty of spearing of salmon on the Bandon?—Oh, any amount.

9133. So that suggestion of yours with regard to cutting off the tributaries would raise, you think, the available spawn again?—That is exactly it, because when fish go up those tributaries now they never come down alive.

Dr. Mahaffy.

9134. Was not that kind of poaching always in this country?—Always.

9135. That is so novelty?—No.

9136. And also sparge poisoning is not a new thing. It always went on, they said, on the Lee?—Well, as long as I remember I always heard of sparge poisoning.

9137. So that there was good fishing in those rivers in spite of those two kinds of poaching?—Oh, yes.

Mr. Greer.

9138. Of course, Lord Bandon, you are aware that there is no attempt made now to collect money from the riparian owners on the Lee for the purpose of protecting the river?—Oh, yes, I know that.

9139. That collection is going on at present?—I know it is. We have to subscribe a certain amount and the Department gives the rest.

9140. Do you know that that call is being responded to?—I believe it is, very well.

9141. And do you know that it is being responded to by small proprietors as well as large proprietors?—That I cannot say. I was not able to be at the last meeting. I know it came before then last Saturday but I was not there.

16th May, 1911.]

CAPTAIN JAMES M. LONGFORD, EXAMINED.

[DUMFRIES.]

Chairman.

2042. Whose do you reside?—I live in Clerk. I stay a good deal in this part of the country, and fish in it.

2043. Have you any property here?—I have fishing rights on a small portion of the river, only about a quarter of a mile, between a quarter and half a mile.

2044. Where is that?—Near Desart, below Desart Station—between Desart Station and Bandon.

2045. Now, you spend a good deal of your time about here?—About here, yes.

2046. And your fishing experience is with regard to the Bandon River?—To the Bandon River, yes.

2047. Have you experience of the River Lee also?—No, I have no experience of the Lee, but I have a slight experience of the Don river, as well as the Bandon.

2048. Now, you know the object of this inquiry?—Oh, yes.

2049. And perhaps you would give us any suggestions you have to make or any information that you think might be useful to us?—I think the river could hold a much larger stock of salmon than it does at present, and the capital value of the river would be increased if poaching was prevented, and if a hatchery was established for turning out trout in the river. In a letter I wrote to the papers some time ago I estimated the capital value of the river as being £70,000, but I think it must be a good deal more than that. I estimate it at £250,000, because if there are thirty boats fishing the tide-way I think they ought to make £200 each boat; that would be £3,000. I think the letting of the rod fishing must be worth £500 on the Bandon River at the lowest value. That would be altogether £3,500, and if that was capitalized at 4 per cent. I think it would be £80,000; so that I think the gross capital value of the river would be, if I am right (and I am quite willing to be corrected by other witnesses), something like £250,000. The Board of Conservators have funds to spend at present amounting to a general rate of one-half per cent. interest on that amount. If we carry on a business concern, surely one-half per cent. interest on the gross capital is more than would be paid for insurance from risks, in an ordinary case of trade, and I think there might be some relation between the two and that the amount of money spent at present on the river does not appear to be adequate for its preservation. The Board of Conservators at present use the money in stopping poaching. They have no money to improve the river in any other way.

2050. How do you suggest that money should be spent on the improvement of the river?—Well, I think it might be spent on establishing a hatchery for salmon. That is one thing.

2051. But the quantity of trout in the river at present is considerable?—Oh, I think there is, but I think the river might hold a large stock of salmon.

2052. Poaching has not been carried on to so great an extent within the last few years?—No, I think not from what I have heard from a number of anglers and persons residing in the district.

2053. How many years have you had experience of the river?—Well, I have had more or less all my life-time, but never a very close experience, except within the last few years. But I know the opinions of persons in the district, and I have been in it all my life, more or less.

2054. Then, you think that the rate struck by the Conservators is inadequate?—Yes, I do.

2055. And is not in accordance with the valuation?—No, I certainly think that.

2056. Is it not the case that the valuation is the ordinary District Councils' valuation, that the river is valued in that way as well as other places, and that it is according to that valuation that the rate is made?

2057. The Secretary of the Board of Conservators.—The District Councils do not value the river.

2058. Someone must fix the value for the purpose of the rate.—Who fixes that value?

2059. The Secretary of the Board of Conservators.—Somebody up in Dublin. The Valuation Office.

2060. Then your observations, Captain Longford, should be addressed to the Valuation Office. Their valuation is too low, in your opinion?—Yes, too low.

2061. And if the rate was struck upon the real value of the river it would produce a much larger sum?—I should think so. The value of the river, I should say, depends on the amount of salmon produced by the river.

Chairman.—continued.

2062. And you say that on the amount of salmon at present produced the valuation is too low?—Yes, on the amount of salmon at present produced the valuation is too low.

2063. Well, we will take that. Is there anything else that you would wish to suggest?—I wish to say something with regard to the tenants. The Committee are taking evidence mainly on that point, and I wish to speak of the tenants who have acquired land, and who will ultimately become the owners of fishing rights. For the purpose of this inquiry I need not go into the matter of years, but at a future date the tenants will become absolute owners; and I think that the tenant purchasers may be divided into three classes. First of all there are the tenants of the salmon-producing portions of the river, then there are the tenants on the upper portions where there is some rod fishing, but not of much value; and then the tenants who own lands on the river system where the salmon go in the winter months to spawn.

2064. That would be the upper reaches?—The upper reaches and the tributaries; and they have no direct interest in the salmon at all.

2065. How would you propose to give them an interest?—I think it is a very difficult problem.—Now and then enforcement of the law is put forward. Extra money spent on bailiffs is the only method of securing that. I think some might be got to co-operate, but, on a general rule, I do not see how these people can be got to take an interest in what they have no money in at all, and never can have.

2066. But it has been suggested that some of those tributaries, if they were properly leased and preserved, might be turned into valuable trout streams?—Yes, I think that is possible.

2067. And that if they were they might become a lettable property?—Yes.

2068. And the tenants might, in that way, acquire an interest?—Oh, yes, I think they might. That is possible.

2069. And if they preserved the streams for trout, they would preserve the salmon?—Yes.

2070. And prevent poisoning?—Yes. I think the spawning in those small rivers is most important. It is the natural instinct, and these rivers form the best spawning ground for the salmon, and the spawn is more likely to verify itself in the main river.

Dr. Makaffy.

2071. That is the instinct of the fish?—The instinct of the fish, and that instinct of the fish is to push up in the floods in the autumn.

Chairman.

2072. Have you any suggestion to make with regard to those upper waters? You say you think the only plan is to increase the number of bailiffs and to protect them, but you have heard from Lord Bandon that considerable personal influence has been used and public opinion aroused against this poisoning?—I think, so far as I am aware, there has been less poisoning lately, but I would not say that there has been less taking of spawning salmon in other ways, as I could not speak directly about that.

2073. Do you mean by setting and spearing?—Duffing and taking them out with lines in the winter.

2074. Spearing?—Spearing and otherwise.

2075. Would you let us have any other suggestions, Captain Longford, bearing on this subject?—I don't know whether it would be possible that the State could assume control in any way over the parts of the river where the salmon go to spawn. It seems that the loss of one spawning salmon is a damage to the whole community, and those people don't realize that when they are destroying a spawning salmon they are destroying a salmon that is of value to a variety of interests, to every neighbouring riparian owner, and even the railways and others and the whole community all benefit by the salmon, and those people that destroy the spawning salmon are destroying the property of the whole community of the country, either directly or indirectly.

2076. Do you think that the man that takes a spawning salmon cares in the least whether he is destroying some thousands of fish or not?—I don't think he does.

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CAPTAIN JAMES M. LONGFIELD—continued.

[DUMMARTON.]

Chairman—continued.

2177. He only looks at securing the one salmon?—I think that is so.

2178. And a very bad one?—I think the strong enforcement of the law is the only thing. It only shows that the law should be enforced as strongly as possible in the interests of those people.

2179. Could you tell me exactly how the State could take up possession of the spawning portions of the river?—The police could be employed, and there could be considerable poaching in the winter.

2180. The police do give a good deal of assistance as it is?—Oh, I believe they do.

2181. Their numbers are limited, of course?—Yes.

2182. Their ability to watch the river is limited?—It is limited by their numbers, of course.

2183. But we have had very gratifying evidence to the effect that they give all the help they can?—Yes. I think that is the case so far as their numbers permit. There is one other thing I should like to refer to. I think the tenants who have acquired or who will acquire in future fishing rights in the more backward parts of the country may find a difficulty in letting the falangs, which are of little value individually, but if they could get some assistance to do it collectively, from some outside source, they could by that means make money out of it where they could not individually.

Dr. Mahaffy.

2184. The middleman will do that?—Well, but the State, I think, might step in and assist those persons in that way.

Chairman.

2185. It has been suggested that there are three methods by which the small occupiers with riparian rights might make their property profitable. One is to dispose of it by sale outright. Another is to let it to someone who will speculate and take it for one year or five years, as the case may be; and the third is that they should combine and appoint a committee of their body and say that they will be bound to act together for so many years, and the falangs then can be let to somebody?—Yes.

2186. Have you anything to add to that?—No, I have nothing to add to it.

2187. Those are the plans that have been suggested?—I think that ought to be worked. I think that would work satisfactorily. I have nothing to add to that.

2188. And do you consider that sale outright is the least desirable, inasmuch as if a tenant lets his property for two or five years he has still an interest in increasing its value, because he will get a higher rent at the next letting?—Yes.

2189. And they appreciate that already?—Yes, I think that is the case.

2190. Is there anything else you would like to tell us, Captain Longfield?—The only other thing I would like to say is that it is a pity that the funds of the Conservators don't admit of the tidal waters being watched by a motor launch. If then funds permitted it I think the tidal waters of the river should be watched by some boat, some vessel or motor launch, to prevent illegal catching, which exists so largely there.

2191. Is that in the harbour or in the estuary generally?—I would say generally in the estuary.

2192. Is there licensed net fishing there, in the estuary?—Licensed net fishing?

2193. Yes?—Oh, yes. There are thirty-three boats, I think, this year.

2194. And what is the illegal net fishing that you describe as going on there?—Well, it is usually, as far as I am aware, with drift nets with large meshes, of course, principally, that this fishing goes on; I cannot say that I have seen it exactly myself.

2195. But you think that if the Conservators had a better income they could do something in the way of preservation at the mouth of the river?—Yes. On the Lee they have a motor launch in the estuary, and if it is necessary there I think it is necessary on this river.

2196. Well, of course, Cork Harbour is very large as compared with Kinsale?—Oh, much larger.

2197. Well, is there anything else?—I have nothing more.

Dr. Mahaffy.

2198. The Brandon river is a much smaller river than the Lee, but it is just as good a fishing river. Wouldn't you say that the Brandon river is just as good as the Lee?—And I suppose you fish them both?—I don't know much about the Lee, but I have heard that parts of the Brandon river are as good as anything on the Lee.

2199. How many fish have you ever killed in a day on the Brandon river?—I never killed more than two salmon in a day. Some other fishermen, I suppose better anglers, but I could not say, have killed more. I suppose as many as five, or six, or seven have been killed by individual anglers.

2200. Has Lord Brandon ever killed five in a day?—

2201. Lord Brandon.—Indeed I have.

Dr. Mahaffy.

2202. Seven?

2203. Lord Brandon.—Eleven.

Dr. Mahaffy.

2204. You say, Captain Longfield, that the value of the river is £80,000, and that the money at present spent on it is only a half per cent. on that. How do you propose to increase it?—Well, I think the price of the licences might be raised, and that would make more money for the Conservators; and, I think, State grants might be given.

2205. The people who pay the rate are the people who ought to profit by the value of the river?—Yes.

2206. But if the State pays the rate, of course, the State loses, and does not gain by it. The people who own that £80,000 are the people who ought to pay for it?—They might get more assistance. The Department of Agriculture now give some assistance, and I think that might be extended.

2207. Could you not conceive some plan by which the people on the upper waters, who get no benefit from the salmon, could be made to have an interest in protecting the fish. Suppose the value of the salmon fishery was estimated every year, and that they got a percentage according as the value of the salmon fishery rose; they would then have a direct interest in protecting the fish?—I think something of the kind might be worked out; but I could not at this moment suggest any method of doing it.

2208. That would be a natural thing, if you could manage to make it distinctly profitable to the people on the higher waters that more salmon should be caught below—they would naturally protect the fish?—Yes.

2209. Just as in places where partridges are, a man may say "If I find a partridge about your farm I will give you a half-crown"—and that has even been done in this country?—I think some such system might be worked out, sir, but I could not suggest one exactly.

2210. I hear from you and from Lord Brandon that poisoning has not gone on lately on this river, and I hope that shows an improvement in the county, but I suppose you are aware there are very often one or two young men who are desperate poachers in a district—I am aware of that.

2211. And if it so happened that they emigrated to America, that might make a difference?—Oh, yes, it might.

2212. And the best way of stopping poisoning would be to induce certain people to emigrate to America. At all events, there is very little of this poisoning done now, you say?—I think that is due mainly to the efforts of the landlords and police, and also, from what you say, to the fact that some of the worst poachers have gone away from one cause or another; but I don't speak with any great knowledge on that point.

Mr. Culliswood.

2213. The Brandon river has improved, I think, a good deal, you say?—To some extent.

2214. Well, I wanted really to learn that, if you could tell me?—I may say that, on the whole, I am inclined to think that the number of salmon has increased rather than diminished, but, as far as I am aware, I don't think the number has increased to any marked extent in recent years.

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CAPTAIN JAMES M. LOMAX—continued.

[DURHAMWAY.]

Mr. Calderwood—continued.

2215 Are you familiar with the netting in the estuary?—No, I am not familiar with it.

2216 You don't know whether there has been an increase or diminution there?—To the best of my belief there has been an increase, but I cannot give you any statistics, and it is very hard to find out.

2217 Are there any drift nets in the estuary?—Yes.

2218 What is the matter with them?—They are not allowed to have drift nets in the estuary.

2219 Any other nets than drift nets?—Not legalised.

2220 Then, I gather that you are in favour of hatcheries?—I think to increase the number of salmon would be a desirable thing.

2221 Do you know at all about the percentage of artificially hatched salmon which may come back to a river?—No, I could not say.

2222 Well, the percentage, of course, is very small?

—Yes. I am aware that it is very small.

2223 As far as the fishes that we have got show, it is three per 1,000 probably?—Yes.

2224 So that it requires to be done on a very large scale to be of any marked advantage?—The number of trout turned into the river must be in proportion to the number that could happen naturally, because if a million trout go down there is not the least use in turning out a few thousand.

Mr. Calderwood—continued.

2225 And, then, is a river where you have natural facilities for artificial spawning the question is "Why not do it?"—Yes.

2226 With regard to the Conservators, can you tell me what the annual income is at present?—Some of the other witnesses can give you the exact figures.

Mr. Green.

2227 With regard to this increase of the value of the fishery on the Bandon River, do you think that the only way to get up a better income for the Conservators would be to raise the price of the licences?—I don't see any other way at present, unless the State would give money.

2228 Is the ten per cent. rate paid on every fishery on the Bandon?—I am not aware. I could not tell you on that point.

2229 But the 10 per cent. rate is supposed to be levied on every fishery valued by the Valuation Office?—Yes.

2230 The 10 per cent. rate would be a fund for the Conservators?—Yes, partly. The fund mostly arises from licences.

Mr. JOHN BYRNE, examined.

Chairman.

2231 You are an Inspector?—Yes, sir, and Secretary to the Conservators.

2232 His lordship has told us the number of the Conservators. Can you tell us what the income for the last year was?—I can, sir. There is scarcely any variation for the last four or five years. Last year the income from both net and rod licences was £190, and the amount of fines £21. The 10 per cent. rate on valued fisheries only amounts to £4 8s. a year for the whole river.

2233 For the whole river?—That is all, sir. There is no rate struck above Bandon. That is all the receipts except a grant from the Department of £30 on condition that there was £15 collected. I collected £15 16s. 8d.

2234 Those two sums amount to £45 odd?—To £45 16s. 8d. Those are the whole receipts for the year past.

2235 That is £450 4s. 8d., as far as I make out?—Yes, that is right.

2236 Now, how many keepers are there on the river?—Five, sir, at all. There are only four at present. One of them died last week.

2237 Are any of those keepers engaged at the harbours?—One of the men permanently here, sir, is sent to the tidal portion temporarily. He is there at present in Kinsale, for the last six weeks.

2238 He does the watching in the tidal portion of the river?—He does, sir. We have a boat at Kinsale, and the police assist him there with the Conservators' boat in looking after the harbour as well as time will permit them.

2239 Is there much illegal fishing in the harbour?—I don't believe there is, sir.

2240 Have you any detections or prosecutions for illegal fishing in tidal waters?—No, sir, not for the last ten years, since I became connected with it, except one prosecution of a licensed boat for fishing with a fixed net. It was anchored at one side and the net fixed, and they were prosecuted at Ballinacorney Petty Sessions, and each member of the crew was fined £50, which was reduced to £2 each on remission to the Lord Lieutenant.

2241 How many licensed nets are there?—Thirty-one on the Bandon this year, a greater number than there has been for the last ten years.

2242 How far is that netting carried on?—About a mile and a half below Inishannon Bridge. That would be eight miles from the sea, from where they commence first at the mouth.

2243 You say you don't know anything about illegal netting?—I don't believe there is much illegal netting, but one of those licensed nets may go out in the weekly close season and make a haul; but I don't believe there is any such thing as illegal netting.

Chairman—continued.

2244 Those are all drift nets?—They are all drift nets. There is no drift netting.

2245 Have you got anything further to tell us about the harbour?—No, sir, except to prevent offences in the weekly close season, which may be of more or less frequent occurrence, and, to prevent that, a launch would be very necessary.

2246 That would cost more money, and make a considerable incumbrance on your income?—Of course it would.

2247 But the harbour is a small one?—Well, sir, there are nine miles of tidal water.

2248 But the harbour, the particular place that the launch would act in, is not very large?—No.

2249 It is not anything like Cork Harbour?—Oh, by no means.

2250 That would be to keep the licensed net owners in order?—Yes, sir, I don't believe there is any illegal netting going on except what may be done by the licensed men in that way.

2251 In the weekly close season?—In the weekly close season, and that is not done very frequently, I believe, because they watch one another, and are as jealous as possible of each other, and one would begrudge to allow the other to go outside what is legal.

2252 And the man who pays licence for a net would look very sharply at anyone who fished without a licence?—Certainly; they would not allow it.

2253 Is there netting outside the harbour, in the immediate vicinity?—Yes, sir, netting for mackerel and sea fish.

2254 But not for salmon?—Oh, no, sir.

2255 Now, on the upper waters, you have five keepers altogether?—Yes, sir.

2256 Are they sufficient, do you think?—They are not, sir, particularly in the spawning season. We would want double the number in the spawning season to watch the tributaries, because this river divides into five branches there, and goes in several directions, and although there are two halfpigs there in the winter time, and they see two very capable men, they are not able to do the work; and there are tributaries running in every direction from the river, and only two men to look after them in the winter time.

2257 Has there been, of late, an improvement so far as poisoning is concerned?—There has been none for the last fifteen years; 1894 was the last poisoning, and that occurred down below Denistown station.

2258 None for the last fifteen years?—Except small little poisonings, and two or three cases of dynamite, and one occurred near here, and one in Lord Denistown's park, and, perhaps, some that were not detected at all.

2259 Is there any unlawful netting of pools above the river?—I believe there is a little of it, but not to such an extent as there used to be. In recent years there is not so much as there used to be.

10th May, 1911.]

Ms. JOHN BRANN—continued.

[DUBLINWAY.]

Chairman—continued.

2260. Have any of them ever been taken and prosecuted for unlawful netting?—Yes, but it was not on this river, but on the Aughaden.

2261. Where does it run?—It runs into the sea at Tinsclague.

2262. And you had a prosecution there?—Yes.

2263. Is that within the district of these Conservators?—Certainly.

2264. And you say you had a prosecution there for unlawful netting?—Yes. That place is prohibited by by-law, and within three miles it was just at the tidal flow.

2265. Is there any inducement to people by fish merchants to take fish unlawfully in this way?—Not that I am aware of, sir.

2266. It is stated that on the Lee (though it is not proved absolutely, it is strongly suspected) some people are supplying nets for the purpose of such illegal fishing?—I don't believe it is the case with regard to this river.

2267. It is not the case here?—I don't believe it is.

2268. Where do the fish go that are caught?—They are sent to Cork fish merchants.

2269. They go by rail?—They go by rail.

2270. And a fish box going down here is pretty conspicuous, is it not?—Of course, sir, it would be conspicuous.

2271. Well, now, have you any suggestion to make beyond that the income of the Conservators, if it was increased, could be well used?—Well, regarding what may occur when the riparian rights pass to the tenants.

2272. I should like to know your opinion about that?—I don't know what opinion I can offer. If the tenants sell to anglers, say, there are scores of poor anglers that can't afford to pay anything, and they will be deprived of fishing altogether, and they will become most notorious poachers in the fish.

2273. If the tenants sell?—If the tenants sell what will be their property then, and sell it to gentlemen or others?

2274. You mean let it?—That is what I mean: let it to people that will be able to pay for it; there are scores of anglers on the river that will not be able to pay.

2275. Is there much trout fishing on this river?—Certainly, every open day. And in addition to that Lord Bandon and other riparian owners give a free day to all fishermen.

2276. I should like to know about that?—Lord Bandon gives every Saturday free on his preserved ground at Ballyneen and Desert.² Messrs. Longfield and Lambie give every Thursday, and Captain Peacocke, of Innishannon, gives every Friday. And then all Sir John Arnott's fishing is open the whole week round, with the exception of one small bit adjoining Lord Bandon's place.

2277. That is for rod and line?—Rod and line, open every day.

2278. Is that fished with flies?—Yes, and with bait and worm and shrimp, and I think whenever Sir John Arnott's property passes to the tenants they will preserve it, they will let it, and the people all their lifetime fishing on that will have a grievance, and I believe they will be the greatest poachers that will have to be dealt with.

2279. Yet you don't know but that a free day will still be given?—A free day won't satisfy them. They have free days at present, with little portions preserved. They have practically the whole river open besides every day.

2280. And the farmer who is living on the bank of the river, the future riparian proprietor, could, if he liked, prevent poaching pretty well more than the landless could?—Certainly, he could, sir.

2281. Don't you think so?—I am sure of it. He could, sir.

2282. Well, that is one difficulty that you see in the future?—Is it, sir?

2283. You think that you will turn them from fishermen into poachers?—I am afraid, sir, that that will be the case, and they will be very hard to deal with, because they understand all about it.

2284. They would severely understand the farmer who would prosecute them?—Oh, that is so.

2285. But he would be always on the spot?—That is the greatest difficulty that I see as to what now occur when the land goes to the tenants with the fishing.

Chairman—continued.

2286. Have you thought at all of how a number of small tenants might combine so as to make their property valuable?—No, sir. In a great many cases I know, a man with a family will have the fishing himself. It is the case at present that a great many of the tenants are fishermen, or their sons may be fishermen, and they will keep their own little bit for themselves; and those that are not fishermen themselves will dispose of it, I suppose, to the highest bidder. That is what I expect will occur.

2287. Have you anything else that you can tell us?—No, sir; there is nothing else.

Dr. Mahaffy.

2288. I suppose the great majority of these fishermen fish for trout?—Oh, yes, certainly, but not a great majority. All the salmon fishermen on the river have free fishing.

2289. But are there not a great many people who will fish for trout, who have not the tackle and who are not able to fish for salmon?—Oh, not a great many. There are, near the town of Bandon, a good many youngsters who go trout fishing on the river—the salmon-fishers of the future. They now fish for trout, and they will become salmon-fishers eventually.

2290. Is the trout fishing good up the river?—It is not, sir. It is the worst season I ever remember, this season, whatever the cause of it. The trout are not taking at all. It was a good trout river twenty-five years ago. I killed at Ballyneen four or five dozen trout in two or three hours. I could not now in a week.

2291. What else?—Anything from a quarter to a pound weight.

2292. I suppose they are not in the river?—They are, sir, as many trout there as ever—I know that there are about Innishannon—and they won't take.

2293. But, of course, the danger that you see is that every man will keep his little bit for himself, and he won't pay a halfpenny for the keeping up of the river?—No, I don't believe that he would.

2294. And I believe that is a serious danger, that the whole fishery would go to pieces?—I am afraid that the farmers when they become owners of it will do so I say. They will fish themselves if they are fishermen, and if they are not they will sell to the highest bidder, and they will shut out the poor man.

2295. And won't pay a halfpenny?—Not likely.

Mr. Colclough.

2296. Do a great number of anglers enjoy this free fishing?—There are twenty here now in this town alone, and they all have free fishing. There are at least as many anglers between Desert and Ballyneen, and then at Innishannon it is the same.

2297. That is about sixty you have mentioned?—Yes, and the rest of them are gentlemen who have fishings of their own—about 100 altogether with rod licences.

2298. Even one of those takes out a licence, of course?—Yes.

2299. With regard to the nothing in the estuary, I think you said that there were eight miles of nothing?—Yes, sir.

2300. Up to some particular point?—Up to Collier's Quay.

2301. In the tidal water?—In the tidal water.

2302. No nothing in the fresh water?—Oh, no, nor within a mile and a half of the distance that the tide comes. They are not allowed to fish up. There is a by-law prohibiting it.

Mr. Green.

2303. You have a list of the rod licences issued?—Certainly.

2304. And how many rod licences have been issued this year?—I have not got the list for this year.

2305. Could you remember what it was last year?—One hundred licences, and thirty-three boats; that made £110 that we received.

2306. Out of that 100 do you say that there were about sixty people fishing free, without paying any rent for the fishing that they were getting?—I do, sir.

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MR. JOHN BYRNE—continued.

[DUNMANWAT.]

Mr. Green—continued.

2306. Poor men?—Yes, sir; or farmers fishing on their own land. That means the same thing.

2309. In the town of Bandon, I suppose, there are anglers?—About ten.

2310. And there are anglers up here?—Certainly.

2311. About twenty here?—There are twenty licences sold here this year—more than ever before, sir, I think.

2312. And I suppose a good many of those boys and others that are fishing for trout can fish, too, without taking out licences?—There are a good many rods on the river fishing free.

Mr. Callender.

2313. Do you mean without licences at all?—There is no licence required for trout.

THE HONEY HOB, THE EARL OF BUNNELL, recalled.

Chairman.

2319. You wish to make a statement, Lord Bandon?—Yes, just arising out of the "open day." I give an open day on Saturday on all my property, and on Sundays I allow three rods of the Working Men's Anglers' Club in Cork to come. These are salmon fisheries.

2320. We understood that the Anglers' Club in Cork had been broken up?—This is the Working Men's Club. It is only started two or three years.

2321. Then that has nothing to do with the Anglers' Club that was on the Lee?—Nothing at all.

Dr. Mahaffy.

2314. Is there a custom in this part of the country of strange gentlemen coming to a hotel and staying to fish the river?—Some of the Kinsale men come in to the hotel there and fish up the river; and a gentleman takes Mr. Conner's fishing at Manilla, and stops there for the season, and then there are visitors at all the gentlemen's places round here that fish.

2315. But there is no hotel keeper here in Dunmanway that makes money by it?—Oh, no, sir.

2316. It must pay a hotel keeper to have strangers that go to fish a river?—No hotel keeper has any here.

2317. Or going to places provided with free fishing?—Not here.

2318. None in these towns down here?—Of course, if a gentleman is out for the day they spend a little in the town, but there is no such thing as stopping for the fishing.

Dr. Mahaffy.

2321A. Now, my lord, with regard to the lakes, you preserve them strictly?—Oh, yes, I preserve the lakes.

2322. Nobody fishes there?—Nobody fishes there.

Chairman.

2323. It is said that they can fish for trout with anything?—Oh, yes, worms or shrimps.

MR. J. E. LORREMAN, examined.

Chairman.

2324. Where do you reside?—At Kilmalman. Six miles below Ballinacree, half way between Ballinacree and Bandon.

2325. You are a fisherman?—Yes.

2326. Do you own property on the Bandon?—Yes, I have got a place.

2327. Have you rented any fishing in addition to your own?—Yes, I also take another part of the river about a mile long.

2328. Does the free fishing interfere with the value of your property?—No, I think it does not much.

2329. Is the free fishing at all controlled by farmers in the matter of trespass upon the banks?—I don't think so.

2330. But they allow anyone?—Yes.

2331. Without question?—I think so. I never heard any complaint of that.

2332. Because it would appear to a stranger that if there is free fishing to an unlimited extent, that would affect very much the value of any property such as yours, or the value of any property that was rented by fishermen?—Yes. I never heard of any complaint, and I think there is more free fishing close to the railway station, close to Ballinacree, than there is about my place perhaps, and upon which there are one or two anglers at the outside.

2333. Of course, you know the object of this inquiry that we are holding?—I do, yes.

2334. And that it is mainly to receive suggestions as to what may occur when fishing passes to the occupying tenant, when he becomes a riparian proprietor?—I am afraid that it will have a bad effect on fishing generally.

2335. That question does not arise here at present on the Bandon?—No.

2336. And we hope, under the circumstances of the reservation, that it won't apply for a long time?—Yes.

2337. Have you any suggestions to make now as to how things might be managed when the time does come?—Well, I think, in some places, where the tenants are not fishermen themselves, and where their fishing is of a little value, that something might be done in the way of getting them to combine, but I don't see what can be done on the small streams—I mean the tributary streams—where the salmon spawn and only go up in the winter. I don't see how you can get these men to take any interest in the fishery. They will try to get out the salmon by any means they can. They will try to get out the salmon for their own dinner in the winter.

Chairman—continued.

2338. Then, how do you propose that that should be dealt with?—By the employment of bailiffs and the enforcement of the law. That is the only way that I can see for putting it down; to enforce the law strictly.

2339. Rivers have become more valuable of late years, have they not?—Yes.

2340. Higher rents are given for rivers than used to be given, and the value of salmon-fishing has increased every year, with the same quantity of salmon or with the same sort of fishing?—Yes.

2341. And do you think a large amount might be contributed for the preservation of the fishery?—Yes; that, of course, is what we suffer from principally, the want of funds. The Board of Conservators could do a great deal more if they had more money, but we have not money enough.

2342. Can you suggest how any improvement could be made?—I think that the fishings ought to be rated. They are not rated at all about Bandon, and there are some of the fishings about Bandon of considerable letting value, and I think they should be rated.

2343. It is not the poor rate value. We hear it is the Valuation Office that values the fishings?—I always understood that it was the Poor Rate Valuation.

2344. It is done by the Valuation Office in Dublin?—And the curious thing is that there is no valuation of the river above Bandon.

2345. No valuation?—No.

2346. The entire sum contributed by the rating on the valuation in existence is £4 8s. which seems ridiculous?—And I am told the Board of Conservators have no legal powers to recover that if the owner does not pay.

2347. The Secretary to the Board of Conservators?—They have, sir; they may sue for it in the name of their Clerk.

2348. Can you make any suggestion now, Mr. Lorremann, as to how a larger amount could be raised, for the sum of £4 8s. appears to be quite ridiculously inadequate for the rate struck on the value of the Bandon River?—Well, I think all the fishings ought to be valued, and a rate struck on them. Whether any of them that are let could be dealt with specially or not I don't know. I don't know if a rate could be struck on the fishings that are let.

2349. Are you a Conservator?—Yes, an ex-officio one.

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Mr. J. E. LORIMER—continued.

[DENHAM.]

Chairman—continued.

3360. Do you think the Conservators might be armed with larger powers as regards both the raising of funds for the protection of the river and the general administration of the river?—Yes, I think they might, distinctly.

3361. Do you think the constitution of the body might be shaped advantageously and made more representative, so as to present elected members are elected by the license holders?—I think the election seems to work very well, and on the Brandon River most of the work for many years past—indeed, almost all the work—has been done by ex-officio.

3362. And the ex-officio are mainly proprietors?—Yes.

3363. That does not occur on every river?—No, unfortunately it does not.

3364. So that the Bandon River would be a little exceptional in that way?—Yes.

3365. And I suppose if the Conservators were elected all round, on a more representative plan, the men who are ex-officio members now would be mainly elected?—Yes, I should think they would.

3366. Well, now, can you suggest any means by which steps could be taken to get the river valued and a rate struck more in accordance with the value of the river?—It seems to me that that would be a job for the Valuation Office.

3367. It is a little hard, though, to expect a man who comes properly to write to the Valuation Office and say that it is not valued high enough or that it is not valued at all?—Well, I think the Valuation Office ought to have compulsory power to make the valuation.

3368. I believe they have, but it would be the owners in this case who would be asking them to put a higher valuation on themselves?—Yes.

3369. But you think, at any rate, that the valuation ought to be looked into?—I think the valuation wants to be revised in some way or other, and a little more money made available for the preservation of the river.

3370. Have you any suggestions further to make, Mr. Longfield?—Well, I would like to suggest that it should be made a regular part of the duty of the police to protect the river. The police give a good deal of help at present, especially when the District Inspector or County Inspector is himself a fisherman. In case he is not a fisherman they sometimes do not help very much the Board of Conservators. But one policeman is worth three hulkies, and I think the police might give more help than they do, and the coastguards also.

3371. On the tidal waters?—They have nothing to do but go and whitewash their houses and paint hedges. If they looked after the river they would give very valuable assistance.

3372. Of course, coastguards do not come up the tidal portion of this river—they are at Kinsale?—Still if they did the boats could pull up three or four miles.

Dr. Mahaffy.

3368. That would be awfully hard work for the coastguards. Don't you know that they never do any work?—No, and they are shirk-headed men.

Chairman.

3364. But the number of the police is limited?—I know that the number of the police is limited.

3365. And you appreciate the difficulty that the police have in acting as night-watchers, for it takes them away from every other duty if they go out on night-watching patrol?—That is so, but they could do a great deal without doing much night-watching.

3366. Upon the whole, the conditions of affairs on this river is favourable?—Yes, I think it is fairly satisfactory.

3367. And have you any further suggestion to make?—I would like to suggest that the penalties for poisoning and dynamiting should be increased and that these offences should be made punishable by imprisonment, because the punishment is utterly inadequate now. When a river is poisoned with spruce it does a terrible lot of injury, and a £10 fine is utterly inadequate. I have seen large rivers once or twice after they were poisoned, and it is really a

Chairman—continued.

sickening sight, the whole river littered with dead and dying fish, and it is absurd that that offence should be assessed at £5 or £10. That river does not recover for years, and a £10 fine is very inadequate. The fact is that dynamite does not do so much harm, but still it injures the river.

3368. Poisoning is the worst?—Yes. I don't think I have any other suggestion to offer.

Dr. Mahaffy.

3366. The only remedy that you see for poisoning up at the head waters would be coercion in fact?—Yes, that is all.

3370. Frightening people by heavy penalties?—Yes.

3371. That is not in the long run, you know, sound policy. You ought to try to make it the interest of these people not to kill the fish?—I don't see how you are going to do it.

3372. Now, in the first place they are firing a great deal more comfortably and eating better food?—Yes.

3373. Don't you think that they would find people in this country appreciate the salmon, and when the millennium comes they would not appreciate them so much?

3374. These salmon are a very bad thing as food?—Some of them are not as very bad, I am told.

3375. Now, could those people be persuaded that they are unwholesome food?—I am afraid not.

3376. If that is not possible, then, you will want to turn your genius, which, I am sure, is much greater than mine, to devise some system by which those people who live upon both sides of the little streams where the fish go to spawn, might profit by the improvement of the fishing of the river, a system by which they might get some benefit from it. That is what you have to turn your mind to, and then your coercion would be unnecessary.

Mr. Colderup.

3377. I gather from what you said that you think the proprietary interest is the interest which gives most time and attention to the affairs of the district?—I think so.

3378. You say, for instance, that the ex-officio members who are proprietary in their interest do most of the work of the Bandon Board of Conservators?—I think so, certainly.

3379. Do you think the proprietors generally in this district take the most interest in the fishing?—On the Bandon River, yes, but that only applies to the Bandon River. On the linn they take none, and they do not take much on the Augadue. At present they are making up a subscription and trying to do something, but the only person who for many years past took any interest in the Augadue was the late Dr. Sealy.

3380. With regard to the Bandon River, you do not anticipate that when the present small holdings are taken over by tenant purchasers their interest will be equal to the interest of the present proprietors?—No, I don't think so.

3381. Then you referred to assessment as being a valuable way of raising money. Do you refer to assessment merely as being an additional means of raising income?—Yes.

3382. You don't look upon it as it is looked upon in some districts as the only mode of raising money?—I think there should be a sufficient assessment.

3383. You don't regard assessment as the sole means of raising money?—Oh, no.

3384. That is to say you would not have in contemplation any assessment at such a high rate as to raise a very great amount of money in that way?—No, I don't think that a very great amount of money is needed on the Bandon River. Licences bring in a sum by which we can protect the river to a certain extent, but we could do much more if we had more money.

Mr. Green.

3385. You know, of course, the letting value of most of the fishings on the Bandon river?—Yes, the letting value of most of them is small.

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Mr. J. B. LONGFIELD—continued.

Mr. Green—continued.

2395. Could you give us an approximate idea of the total letting value of the angling on the whole of the Bandon River?—Well, from what point?

2397. Say, from Imishannon up to here?—No, that would be a hard question to answer.

2398. I only mean the total value of the fishings that are let. I don't mean individual fishings, but the lump sum?—I don't think the ones that are let can be more than somewhere between two and three hundred pounds.

Chairman.

2399. A year?—A year.

Mr. JAMES H. MORTON, examined.

Chairman.

2393. Where do you reside?—I live at Carrigroh, Ballinacree.

2394. You are a fisherman?—Yes.

2395. Are you a member of the Board of Conservators?—Yes.

2396. And you have property on the river?—Yes, I own about a mile of the river.

2397. And you know the object of our inquiry and have heard the statements of different witnesses?—Yes.

2398. Perhaps you would give us your ideas and suggestions?—Well, to start with, I agree to a certain extent with what Mr. Longfield said as regards a rate, but I think it would be a very, very hard thing to strike a rate on those waters, because in the first place you must remember that in my memory this river has deteriorated as a fishing river in dry seasons very considerably, owing to the enormous amount of drainage that has taken place up here at the head waters. When I was a boy this river would hold its water for some considerable time after rain.

2399. That is the drainage came in slowly?—Yes, the drainage came in slowly, and there were mills and weirs in the river which are extinguished now. The mills are gone, and the weirs followed them, and the consequence is that now six hours after rain you may be certain that the river has begun to fall. This year, of course, we had a lot of rain, and as a consequence we had a high water and good fishing. Last year we had very poor fishing after the middle of April; in fact, you may say that we had no fishing at all.

2400. It was quite exceptional in the country last year?—Yes, exceptional. This time last year the water here was lower than almost any old man ever remembered it.

2401. And do you think that if the valuation was made in a year when there was a good deal of rain it might be quite unsuitable to another year?—It would not suit the average year. For instance, last year I killed eleven fish up to the 22nd of April, and this year up to date I killed forty. That means that this year my fishing, owing to heavy water, is worth something. Last year it was worth hardly anything.

Dr. Mahaffy.

2402. What is the most you got in a day of those forty?—Nine. I got twenty-two in three days.

Chairman.

2403. On this river there appears to be free fishing subject to the payment of a license?—Practically. There is free water open from one end of the river to the other, you may say from Mancha Bridge to Callan Lake is open and practically free always.

2404. And really the license holders on this river look upon themselves as almost proprietors, they all take an interest in the preservation of the fishery?—Yes.

2405. But supposing you did not get anything from a valuation assessment or a collection, is there any other way in which the Board of Conservators could supplement their income?—Well, I think if we could get the small riparian owners to co-operate together, and if there was some responsible body, for instance, like the Conservators who were empowered to take over that water and to let it out, that it would be a source of income for the river.

Mr. Green.

2390. That is the total?—Yes.

2391. And anglers are only paying under three hundred pounds for all the fishings that are at present let?—Yes, somewhere in or about that.

Dr. Mahaffy.

2392. That seems very little?—Well, there is not much of the river let. There is some near Imishannon and there is about two miles close to here, and then there is Mr. Conner's fishing at Mancha, and I don't know if there is any of it let.

Chairman—continued.

2406. That is a matter of the future?—Yes.

2407. That does not apply to the present?—No.

2408. There is a voluntary contribution here, is it not there?—Yes, there is a voluntary contribution when we want to get money from the Department. We have to put our hands in our pockets, and a few of us do it.

2409. There was £45 18s. 8d. collected this year?—Yes.

2410. That is a voluntary contribution?—That is a voluntary contribution.

2411. And there is no difficulty in that, I suppose?—No.

2412. I suppose that could not be increased?—Well, I think we would have a certain amount of difficulty in getting it increased.

2413. That would not be an amount that you would look forward to as increasing to any great extent the income of the Conservators?—No.

2414. Well, one difficulty that appears to present itself is that the river is practically a free river, and that there is very little of it let?—There is only a very small portion of it let. There is certainly not more than six miles of fresh water let. Six miles would cover it.

2415. Would it be possible to adopt over the whole river what exists on Lord Bandon's portion—one day in the week for free fishing?—But it is adopted.

2416. I thought there were places where you could not fish every day?—Here there are free days given in rotation. For instance, Mr. Longfield gives Thursday and Mr. Pascoe Friday.

2417. The meaning of free fishing then is that several proprietors each give a day in the week, so that a man that is here fishing one fish every day?—Can fish every day if he chooses to travel.

2418. From that point of view the river might become a river where a considerable rent might be recovered for various stretches. Is not that so?—Yes.

2419. Even with that one day?—No, because, you see it is a very narrow river, and unless a riparian owner happens to own both sides it would be very difficult to get a large sum for one bank, and you would not get it.

2420. Oh, of course, the riparian owner would not get it in the case of a narrow river?—Well, that is a narrow river. You can fish it with shrimps from one side to the other.

2421. Still I suppose the proprietors on different sides of the river accommodate each other?—I don't know that they do. I should be very sorry to let Lord Bandon my fishing, and I am sure he would not let me his, although we are opposite one another.

2422. You have not both sides of the river?—No, I have not. Lord Bandon has got the opposite side to me.

2423. Then he does not injure your fishing, and you don't injure his?—We fish each other's water.

2424. And you accommodate each other?—I don't know. We don't consult one another.

2425. Don't you?—No. For instance, his keeper was fishing there yesterday on his side, and I was fishing on mine.

2426. Is there anything else that you wish to put before us?—Well, I would suggest that by way of protection against netting in fresh waters, the holes should be hitched in the same way as several of them are on the Bandon River. I have brought you in a

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MR. JAMES H. MORDEN—*continued*.

[DURKANWAY.]

Chairman—continued.

small sample of a hitch that is put into the river. I put it into several of the holes. That wood represents an aggregate bulk weighing about 8 cwt., and there is an iron rod that goes through those rails, and it acts as a sort of anchor. (Witness exhibits sample.)

Dr. McHaffy.

2427. You drop that in the bottom?—You drop that in the bottom of the hole, and it does not interfere with a line.

2428. You may lose an odd fish in that way?—I never heard of a fish being lost by that. And another suggestion I have to make is that the season on the Brandon River ought to be advantageously shortened in future years and spawning fish saved. After September practically there is no fish worth taking out of the river. Any fish that you take out then are utterly unsaleable. I would shorten the season at both ends. If I had my way I would make it from the 1st of March to the middle of September—that is, if I had my own way, but I would not press the 1st of March.

2429. Because that would be giving an advantage to people on the lower waters?—Yes, it would, to a certain extent, but after all if you do lose 100 fish that are 100 fish, but if you lose a fish that has not spawned—well, you are losing a great number. That is my point.

Dr. McHaffy.

2430. That is quite right.

Chairman.

2431. Is there anything else?—Well, I think that the boats in the tidal waters should be minded better. With all due deference to the water bailiff I am of opinion that there is a great amount of illegal fishing going on outside the harbour. I don't say inside the harbour, but I think that there is outside, for the simple reason that I have got fish repeatedly badly marked with nets, and I don't see how it could be done by an ordinary drift-net. Last week I got a 10-pound fish marked at the back in two places, and by the vent badly bruised. Well, it must have gone through a net, and you can't say it went through a 12 mesh. Of course it is possible that a 12 mesh might have been torn and that it got through in that way, but we got many in the last two or three years marked like that, and I understand that they are making these drift-nets now so fine that they can put them down in the daylight and the fish cannot see them. I have not seen them, but I have been told so.

Dr. McHaffy.

2432. I am anxious to know as to the value of the river fishing that you let out when you get twenty-two fish in three days?—Ah, but that is an exceptional thing.

2433. Quite exceptional?—Quite exceptional.

2434. Were those killed with the fly?—No; it is a silky river so far as fly-fishing is concerned. It is a bait river altogether, I may say.

2435. I begin to see why the fishing is not so valuable to let, if the fish will only take shrimps. What weight were those fish?—The smallest was 5½ pounds and the heaviest was 12 pounds.

2436. Sometimes they got a 20-pound fish?—So they do down lower, but not here.

2437. Do you get any sea trout?—Well, an odd one has been got in the last four or five years below me, but we are a long way from the sea. The Don River is a white trout river practically.

2438. But that has been spoiled, has it not?—That is fished by peasant proprietors, and they will let you have a day's fishing for 5s.

2439. You say the netting at the mouth is a serious thing?—In my opinion it is a more serious thing than the poaching at the head waters.

2440. Is that your opinion?—Well, of course, it is to be shortened for the present, but it is a serious thing if you begin handling nets at the head waters, because you are destroying next year and the next year after if you take the life out of the fish in the small streams. That is a very serious thing.

2441. But that has been always going on?—Not now so much as it used to be, for instance, they used fire and line and all sorts of things at one time.

Dr. McHaffy—continued.

2442. And still there was destructive fishing?—Yes, but I don't think it was as good as it is now, except in the low water.

2443. But then there were eight millions of people in the country, with all those higher places crowded with people that are gone now, and there was the same poaching as at?—That is quite certain.

2444. And the fishing in general was ten times as good as it is now?—Well, I don't know.

2445. So that I am afraid that the great waste of fish is done at the mouth?—I am afraid the boats will always take a bit.

Mr. Calderwood.

2446. You have been fishing a long time?—I have a good many years' experience in salmon fishing.

2447. And you know that the salmon probably breeds very seldom in its lifetime?—No, I did not know that.

2448. For instance, your spring fish. They come up here in the early part of the year, and you say they average eight or ten pounds?—Yes.

2449. You don't imagine that they have been in the river before?—Well, I was under the impression that they had been in the river before and had gone down out of the river before.

2450. When had they been in the river before?—They were sent out as fry.

2451. Of course, they were spawned in the river?—And they might have come up as poul.

2452. If they come up as poul that would be early summer?—Yes.

2453. And you think that they might possibly return as poul, and also come up as spring salmon?—Yes.

2454. One of the interesting results of the study of salmon in Scotland is to show that you can tell a fish's movements just as you can a horse's age, and they show that the small spring fish which come into a river pass the grilse stage altogether in the sea, and do not come in as poul, and so on; and, therefore, that really the salmon is a much less frequent spawner than people have commonly been believing up to now, and that there are always a great number of salmon in the sea, and even at spawning time perhaps there are more salmon at sea than in the rivers. Now, if that holds good (and I have mentioned it on account of your reference to the saving of the breeding fish), is it not evident that you must necessarily protect your breeding fish much more than perhaps was previously supposed to be necessary?—Certainly.

2455. Therefore you are dealing with the only fish that can possibly keep up your stock when you are dealing with fish that are spawning. There is no other possible source from which salmon can come?—That is the more reason why the head waters should be protected and the season shortened at that end. I did not know that what you state was the case, but—judging from what you say—I think my idea is right, and that the season should be shortened.

2456. I am referring to the results that we have got from investigations of that sort in Scotland. With regard to sea trout I want to learn a little information from you. How far do the sea trout run up the river?—Well, they might get baskets of sea trout at Innishannon, but we only get a few up here. For instance, just below Mancha Bridge they catch those or four in the year, not more.

2457. I think we had it in evidence in Cork from one or two witnesses with regard to the Brandon River that it is a very valuable trout river?—Yes, down at Innishannon, and up the Binnery. They run up the Binnery.

2458. Do you refer to one of the tributaries there at the mouth?—Well, yes; it is a nice, small, quick-running stream, and a good many go up there.

2459. It is a rather common condition, not unfrequently met with, for sea trout to prefer a stream which joins the main river nearest to its mouth?—Yes, I think so, and they like a rapid river, I think. They run up the Don and Arzodeen Rivers, both of which are rapid compared with the Brandon.

2460. So that they might quite well in the future be coming up the main river so high as this?—Yes, the Binnery runs very sharply.

2461. I wanted just also to ask you about the great number of free fishers in this district. Do you think

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MR. JAMES H. MORTON—continued.

[DUNSMITH.]

Mr. Caldwell—continued.

it might be possible ultimately to form an association amongst those free fishers who would have an interest in the general welfare of the district?—To what benefit?

2402. To the benefit of the district as a whole?—Well, now, the Cork Anglers' Association that Lord Bandon refused to take out their license on this river, I believe that is a supposition—one of the suppositions.

2403. The Cork Angling Association?—The workmen's association for Sunday fishing.

2404. But my point is: Do you think it might be possible at all, ultimately, when the tenant purchasers take over their fishings, that they themselves might form an association which would be for the benefit of the river?—The free fishermen on this river are not farmers. They are men in a very small way of business. They are either business men in a little local village, or they are labouring men or something of that sort. For instance, one of the best fishermen about Ballineen is a working ganger on the railway, and another man is a small baker. Well, what would he do? He pays his license and has his lot of fishing. He goes out on Saturday or Sunday afternoon or in the evening. Might I say one thing that I forgot, and that is as regards those small streams. I think they are absolutely essential to the spawning of the fish, and the welfare of the river. Lord Bandon said he thought it would be well to stop the fish going up them. I disagree with that entirely, because I think that if you did that you would spoil our fishing altogether. That is the means that we have.

Chairman.

2405. Well, we have heard in other places, Mr. Morton, exception taken to that suggestion.

Dr. Mahaffy.

2406. And the fact is that the greater the number of head streams you have the better chance of fish you have?—Certainly.

2407. Mr. Longfield.—I agree with Mr. Morton, and I do not agree with the idea of stopping them up.

Chairman.

2408. I think that Lord Bandon had in his mind some sort of open ditch almost, rather than a tributary.

2409. Mr. Longfield.—Of course, there are places where there might be a rock in the way and the salmon might drop in and might not be able to get out. If possible it would be well to keep them out of such a place as that.

Chairman.

2410. I understood Lord Bandon to mean cases like that.

2411. Mr. Longfield.—Those places are very far and far between.

Dr. Mahaffy.

2412. It is quite exceptional.

MR. WILLIAM KINGSTON, continued.

Chairman.

2413. Now, Mr. Kingston, you are a water bailiff on the Bandon?—Yes.

2414. What is your particular beat on this river?—Well, I am confined from Ballineen, or that way, to its source, but formerly I had to go as far as Bandon and Intishanahan and Kinsale. Now, as a rule, I don't.

2415. Now you don't go below Ballineen?—No, not as a rule. From that to its source.

2416. You are not the only water-bailiff over that stretch?—Oh, yes, I am the only water-bailiff from here to Ballineen. We had another man here, and he is at present in Kinsale.

2417. What class of persons now do you find poaching on the river?—The class of poachers on the river are a different class of poachers now from what they were ever before.

2418. What class of poachers now?—The class of poachers now are folk that live nearer to where the salmon are at present congregated, that is the deeper water.

2419. Is there illegal netting?—Well, I have heard of some remotes of it, but I can't find it out, though I have tried occasionally.

2420. And what other method is there now of unlawfully taking fish?—Of course, there is the ordinary method of gaffing or spearing them on a fine day with sunshine and no wind, or of stroke-baiting.

2421. That is in daylight?—In daylight.

Dr. Mahaffy.

2422. That is not very serious.

Chairman.

2423. At night?—At night is the usual time to put in spears or poison, in addition to netting.

2424. Are some of the pools small on this river?—Some of the pools are small and some of them large.

2425. We hear that the river falls very quickly?—So it does.

2426. You say you have only a suspicion of netting?—Only a suspicion.

2427. You have not discovered any?—Not this season, but in years gone by. Last year I found some signs of netting. Of course, we have some dynamic men from the west here. Two years ago we caught some of them here. They came here disguised. I happened to pull the disguise off a couple of them; one after the other.

Chairman—continued.

2428. Where did they come from?—From the Glen River district, some day that we had races here, thinking that we would be all at the races.

2429. Do you find that the tenant occupiers on the banks of the river ever interfere with anyone that is poaching?—They won't stop poaching. The tenant farmers that have fishing rights in their hands now don't make any effort to prevent poaching.

2430. Tenant farmers who have fishing rights, but none of them have fishing rights on the Bandon?—They have, several of them, round about here.

2431. I thought that when the properties were sold to the tenants the fishing rights were reserved?—They are, further down, but everything from here up, till we meet Lord Bandon's property, all belongs to the tenants now. I can give you the names of thirty or forty of them.

2432. Have we some of them here to-day?—No, I don't think you have any of them here. I would know them.

2433. But do you know that there are occupying tenants who have fishing rights?—Yes.

2434. And men who have rights of fishing don't pay any attention to the poachers?—They don't pay any attention to them. They would like now to sell their rights.

2435. Do they fish themselves?—No, except they would fish a little for trout.

2436. Of course, that portion of the river is fished for salmon by someone?—Yes, for salmon.

2437. Is that all free fishing?—Yes, by free fishers, mostly living in this town, or round this neighbourhood.

2438. What length of river is owned by tenants?—Eight or nine miles, till we reach up to Lord Bandon's fishery.

2439. And is the salmon fishing good on that?—Particularly good this year, the best we have had for ten years past.

2440. Well, you think that a notion now has come into the mind of those people that they would like to let or sell?—I found that out in speaking to some of them occasionally. Although they don't prevent the anglers fishing over their land, still they are saying they would like to get something for their fishing.

2441. They did not think of that before?—Not till this inquiry began to crop up lately. They are thinking about it lately. In fact, I know one of them has already let his fishing.

2442. To whom?—To a gentleman that is in the room at present.

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MR. WILLIAM KINGSLEY—continued.

[DUNMURRAY.]

Chairman—continued.

2503. Is the length of bank owned by these men individually considerable?—Well, in some cases. I know one farmer who owns at least half a mile of it, and another about a quarter of a mile.

2504. And, I suppose, in a very dry season their fishing would not be worth much?—Well, there are some places the best of all on the Bandon, good, deep pools, and we have fishing there when there is no fishing in any other part of the Bandon.

2505. Does that belong to them?—It does. It altogether belongs to the tenants, both sides.

2506. Then, in a very dry season they would have good fishing?—Yes, if we had a suitable wind on the river, they fish up the river till the spawning season commences, and they go out then.

Dr. Mahaffy.

2507. How much of that deep water is there?—About a mile and a half of it.

2508. As much as that?—As much as that.

2509. And you want a breeze upon the river to fish there?—Well, either an easterly or westerly breeze, because the river runs due east and west.

2510. And you think you can't catch them without a breeze?—No chance without a breeze.

2511. You are wrong. Witness—Well, as far as my knowledge goes, and I am angling for forty years.

2512. You can catch them any day, calm water or cloudy. Witness—Well, I would like to get some instruction from you, sir.

Chairman.

2513. Has there been any meeting of those tenants on this particular portion of the river to consider how they would let their portions?—Except they would meet in a public-house and consult over a glass of beer, and one would say "I will preserve my bit," or "I will let my bit," and one will say "Mine is more value than yours"—except that they talk in that way.

2514. But anyone who takes out a licence can fish that water any day in the week?—Yes, unless you anger one of them that he would turn you off, or some personal spite of his own, or something.

2515. Have you anything else to say about this river that you think would assist us?—Well, I would like that you could make money some way to assist in preserving it better. In the winter time the destruction of fish is awful. I used to do my best for the river and over 60 miles of a river. That would be impossible for me even in my younger days, when I was better able to do it than now.

2516. Were you ever punished in the discharge of your duty as a bailiff?—Well, I was sent a few times and I was assaulted a few times.

2517. Day or night?—Night chiefly. They would follow me, of course. I saw several men, and some of them were disguised, and I was not so foolish to go amongst them, even though I was armed, although I did often fear of their daggers at night to identify them.

MR. DAVID WHEAT, examined.

Chairman.

2518. Where do you live?—About midway between Bandon and Dunsinney.

2519. You have purchased your holding?—Yes.

2520. On what estate?—Sir John Arnott's.

2521. Have the fishing rights been reserved?—Yes, during the lifetime of the present owner.

2522. Then what you would be able to say would be about what will take place in the future?—Well, I suppose so, sir.

2523. Does Sir John Arnott fish?—No; he takes no interest whatsoever in it.

2524. Then he derives no profit from having reserved the rights?—No.

2525. But how did it come about that he did reserve them?—The tenants asked for it. I know in my own case I did—but we would not get it. He reserved both the shooting and fishing.

2526. It was done altogether for the shooting?—Yes, he was rather keen on the shooting. Of course, there is not a great interest in the fishing. The rest

Chairman—continued.

2527. And prosecute them?—And prosecute them.

2528. How long was that ago?—Fifteen or sixteen or nineteen years ago, when I commenced first. Of course, I am twenty years and four or five months a water-bailiff now.

Mr. Calderwood.

2529. Are you a native of this part?—Well, I was born very near the source of it. I was born within ten or five miles of here.

2530. And you have been in the district all your life?—Yes, I was fishing in my young days in the Lee River. I did forty years fishing on this river now. I am twenty years living in this town.

2531. You have always during that time had a general interest in the river?—Always. Whether I am a bailiff or not I take an interest in the river. There is one thing I would like to say. We have a large increase here now year by year by the growing of flax in this district, and it is a great harm to the river. The farmers don't take proper care to keep the water of this flax from running into streams, and in many cases I find that it has cleared out every trout as far as it went. We had to prosecute some of them, of course.

Dr. Mahaffy.

2532. We know of that in the North of Ireland. It is a great pest in the North of Ireland, this flax water, and will be more of a difficulty eventually?—It is the most destructive poison that I know of. When the water runs out it kills the trout.

Chairman.

2533. Have any of those farmers been prosecuted?—Yes, several, scores of them.

2534. And convicted?—And convicted; but the highest they were fined was £10 and 6s and so on. A good deal of them do their best to avoid polluting the river, and we don't be very harsh on those.

2535. Of course, a man ought to take care and not to leave it there for some little person to let it come into the river?—He has control of it, and it is in his hand I know a case that happened last year, where one man has a flax pond, and during the night some person that did not care very much about him let it go.

Mr. Green.

2536. Did you see any salmon or trout killed by flax water in the river?—Oh, yes, hundreds upon hundreds.

2537. Did you see them?—I did see them. I saw even eels killed. Will the salmon fry that would be in a small stream; I never saw any salmon.

2538. You saw the fry killed?—Yes.

2539. And trout?—Yes, and eels.

2540. Did you see them dead?—Yes. It would kill eels as quick as the trout. In fact, the moment it is put into the water the eels come up and die on the top of the flax water.

2541. And you saw eels killed?—Oh, yes.

Chairman—continued.

2542. Did not one how it work. There were only a few of us just standing out for it, and as we were careless about it, it all went to the landlord.

2543. Are you a fisherman yourself?—Yes.

2544. Sir John Arnott has not let it, and he does not interfere with it?—No.

2545. You can fish every day in the week as you like?—Yes.

2546. Have you any suggestions to make as to the future or the present, do you think that if the tenants combined they might approach Sir John Arnott and put a scheme before him?—Well, I think there are too few interested in the fishing.

2547. How many tenants are there altogether?—Oh, there are a good many, but there are only about four or five that are interested in fishing.

2548. How many tenants are there who have farms on the banks of the river?—Oh, it would be a good many. He owns the land from Bandon to Ballinacorney.

2549. Would there be 50, or 60, or 100?—Well, about 40.

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MR. DAVID WILKIN—continued.

[DUNSMURRAY.]

Chairman—continued.

2549. That would not be a large number to bring together if they had a feasible scheme?—Yes.

2550. Well, now, you know the object of our inquiry?—Yes.

2551. It is for the purpose of eliciting information that would suggest to purchasing tenants that as riparian proprietors how to make the most of their property. Of course, you have not the property yet, but could you give us any suggestions as to how the interests of the tenants could be advanced generally?—Well, until the fishing is improved on the river the tenants' interest would not be much. If you ask any tenant down there he says if he offers him fishing to anyone for £2 in the year he won't give it to him.

2552. But do you think that if the 40 tenants combined together, either to give it to a middleman or to vest it in a small number of their own body, and to appoint a committee to preserve and to prevent trespass, then, as a whole, it would be a lettable property?—Oh, I am sure it would; but then there are some of the tenants that won't let it, but will fish it themselves. There will be a certain number that won't let it.

2553. Even if it could be pointed out that they would get a considerable profit out of it?—Well, that would alter it, but it should be something worth while, which it is not at present.

2554. Would you, now, as an individual, join?—I would do anything that I would think would be for the improvement of the river.

2555. But you are a fisherman?—Yes.

2556. Suppose every fisherman among the tenants reserved one day in the week to himself and let it for the other days?—We fish it six days now, and we don't get too much.

Dr. Mahaffy.

2557. You must have a great deal of time to spare?—We don't have much time, but you may have often a short time to spare.

Chairman.

2558. Did you get many fish this year?—They are all passing us by continually.

2559. How many did you get this year?—Six.

Dr. Mahaffy.

2560. Is that little or much?—Little.

2561. What is the average?—We generally get about thirty salmon.

Chairman.

2562. That is all fished in this part of the river?—If you have a mudding flood when they go to spawn, then you have two or three days of it, and they all go up then.

2563. Do you expect the latter end of the season will be good?—Yes, but it is not much spoiled. It will be good if you get some high water at that time.

2564. Well what is your idea. You say that it would be a valuable property if the river was improved, now, how do you suggest that it might be improved?—I would certainly have all the river valued. I see parties deriving £10 a month from fishing who pay nothing for the upkeep of it.

MR. S. J. WILKIN, continued.

Chairman.

2565. Where do you live?—I live within two miles of Dunsmurray.

2566. On the upper part of the river or below?—Straight away from this, at right angles from the river, about a mile from the river.

2567. Do you own any land on the banks of the river?—No, I do not.

2568. And are you a tenant?—No.

2569. Are you a fisherman?—Yes.

2570. And do you rent a fishery?—Well, I have a small bit taken.

2571. Is it a good bit?—Oh, it is a very small portion, one pool.

2572. Can you give us any suggestion or any information as regards this river or the fishing generally—

Chairman—continued.

2573. You did not hear the evidence of Mr. Lang, fish, that the letting on the whole river is only £200 a year?—Ah, but it may be more than that if you go into it.

2574. I mean are you personally able to say what the particular sums are?—Oh, I could not say the exact sums.

2575. Do you know anyone that is getting £40 a month?—Yes, I do now. I know Maucha makes it—Mr. Conner's place.

Dr. Mahaffy.

2576. £40 a month?—Yes.

2577. For how many months?—Oh, yes, six months, and even more.

[A Gentleman to Court.—That includes a furnished house.]

Dr. Mahaffy.

2578. £300 a year, do you mean, Mr. Wren?—And it is even let for a second term. This matter has been brought up at the meeting of the Board, but it has been rather shelved there apparently by some Conservators, because it affected themselves.

2579. How much does he pay for the preservation of the river?—Nothing.

2580. Has he been asked to pay?—Oh, of course, he would give it. Of course, when there is any subscription.

Chairman.

2581. He is one of the contributors to the fund that is raised to get money from the Department?—Oh, yes.

2582. Well, now, as I understood you, you are speaking here more as a fisherman than as a tenant purchaser. Is not that so?—Yes.

2583. That is what concerns you, and as a fisherman you would like to see the river better?—Yes, and then you would get the tenants to take more interest in it. At present it is not worth their while.

2584. You think that if their portion of the river was made more valuable they would take an interest in it?—I know very well that they will if they can make anything by it. They will look after it then.

2585. But then you must remember that you have allowed the landlords to reserve the rights, and they can make nothing by it except as fishermen. They cannot let it yet?—No.

2586. You have not anything more to say?—No, except about the preservation.

Mr. Green.

2587. Well, as to preservation, you have not much poaching about your place?—There is not much; oh, no.

2588. So that preservation on your part of the river is quite easy?—That is the main river.

2589. Yes; it is quite easy down there. If a combination of tenants in your part looked after the poaching on that part of the river nothing then would be very trivial. Would they contribute towards the putting on of an extra bailiff on the upper waters?—I dare say the fishing portion would, but the others won't do anything.

Chairman—continued.

Just give it in your own words?—Well, about the preservation, I am not a Conservator at present, but I have been mixed with this river for about thirty-five years.

2590. In what capacity?—I was a Conservator for a number of years, and acted as Secretary for a number of years. All the fishings on the river should be taxed the tide-way as well as the fresh-water portion, because if the river is properly preserved men fishing in the tide-way will have the benefit of it. But at present the land that the fishery rate is struck on is also liable for the poor rate, and if there was a fishery rate struck that certainly should be solely for the preservation of the river, and should carry no other right.

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Mr. S. J. WELLES—continued.

[DUMMANWAY.]

Chairman—continued.

2591. But you heard what the total is that is derived from the rate already?—Oh, yes, the river is not valued so far as from Bandon up to here.

2592. That has nothing to do with the poor rate on the land?—The poor rate is paid on the valuation.

2593. It is not paid on the valuation of the river?—Is it not?

2594. No, it is paid on the valuation of the land. Have you anything further?—The funds of the Board are not sufficient of all to keep the right number of bailiffs. There was one man examined, Mr. Kingston. He has eight, or nine, or ten miles of river to look after. If the Constabulary would look after the preservation in the winter it would be a great advantage.

Mr. Green.

2595. Are there any fisheries valued for taxation purposes?—Below Bandon.

Mr. EDWARD GILMAN, examined.

Chairman.

2596. Do you live close here?—I live at Bandon, but I used to live at Ballinacorney, and I used to live here before, too.

2597. Have you been present when this inquiry was going on?—I was, but I could not hear very much of it. I am rather deaf.

2598. We have received a good deal of information, you know, on the subject of this Bandon river?—What I have to say is very little.

2599. Perhaps you would tell us what you have to say?—Well, I think in the course of the inquiry what I have understood is the want of sufficient protection of the river, and that there is money looking for the purpose; but what I want to say with regard to the upper part of the Bandon is this, that I think myself, if you will allow me to say so, that the protection of the spawning fish ought to be paramount to every other interest, because if you kill the goose you will have no eggs.

2600. If you don't let the geese in at all she can't lay there?—That is what I want to say. The greater number of the tributaries that supply the Bandon river are flowing in about Dumanaway. The salmon run up in the high floods, and the next day the river runs down so quickly that they are pent up in the pools, and generally taken out ere they have time even to make a "pit." As to the guarding of the pools by the water bailiffs, I say that it is a scandalous thing that bailiffs who are employed by the Conservators should be allowed to engage in other occupations. A bailiff who was examined before you a short time ago, and I suppose he is still here in Court, is a Civil Bill Officer, a Process-server for the Petty Sessions Court, and, I believe, by way of ex-

Mr. Green—continued.

2596. That is between Bandon and Innishannon?—Yes.

2597. Is Mr. Morison Frewen's valued?—Yes, and Mr. Allman's.

2598. And is nothing at all above Bandon?—Oh, nothing. There is one thing I wish to mention. I have got several salmon marked with a tinned net, and those fish must have been marked in the tideway in January or February. They were fish that were discoloured, and they must have been a long time in the river, so that the tideway is not properly preserved only in the season. Mr. Morison Frewen gave the use of a launch at one time, which I believe he does not now.

2599. Is there any general fishing down at Innishannon?—No, there is not.

Chairman—continued.

2601. For his arms, rings the bell of an old Sunday. That man must go away from the river to serve processes, so all the unfortunate are not close to the river, and then he must attend the Petty Sessions Court to prove the service of summonses, and the Quarter Sessions Court to prove the service of writs. The poachers know that he is away, and they have a free time of it, and other men are road contractors and things like this; and I think, certainly, that is not right, and I think you will agree with me, Sir David.

2602. Yes, I think myself that that man has too many occupations?—That is what I say. He has too many irons in the fire, and I will ask Mr. McCorber, a Conservator, that lives in Dumanaway, if that is not so.

Dr. Mahaffy.

2603. Is his wage as a bailiff enough?—Well, I think his wages are small, and it is very hard to get a good man, and another thing, I think, is that the wages should be such that in fact a man who is a stranger to the locality should be able to live in the place, because they are too much connected here with kink and kin and they do not like to prosecute.

Chairman.

2604. The point that arises is how are you to obtain an increased income?—Oh, unless they have the funds; it is money makes the more go, and we haven't it here. That is all I have to say, sir.

Mr. SAMUEL MCCORBER, examined.

Chairman.

2605. Can you give us a little assistance now with your experience?—Well, my experience, not alone of the Bandon, but of the western river, extends over thirty years, and I know very intimately and correctly the condition of things during that period. I was in the habit of fishing before the poisoning began, which was about twenty to twenty-four years ago, and I knew the condition of the rivers then, and I saw the indiscriminate slaughter of all the fish in the rivers. For a few years the tributaries were entirely depopulated and nothing left in them at all—everything killed—and I am able to say that the Bandon has improved recently, and that there has been no poisoning practically during the last few years, and I attribute that not to the preservation that we hear speak of altogether, but to the direct action of the licensed anglers, because they have some means—I don't know what of knowing when poisoning is to take place, and they have used their influence to prevent it. I am aware of the fact. Now, I was informed that even Mr. Conner's preserves a couple of years ago were to be poisoned—the whole thing—and I was informed that the licensed anglers prevented it. Well,

Chairman—continued.

now, since the sale of the landlord's interest has taken place the tenants have obtained the fishing rights, and they are beginning to think of selling those rights to individuals.

2606. Do you mean selling them outright?—Oh, no; for a period of years perhaps.

2607. Letting them?—Selling them. Well, the result of that will be that the fishermen who have been in the habit of getting their free fishing on the river will be prevented from fishing. The consequence will be, and I am informed that there is no doubt about it taking place, that they will refuse to use their influence any longer to prevent poisoning, dynamiting, &c., and I look on the letting of the tenants' interests as one of the most undesirable things that could possibly take place, because, as I said before, the licensed anglers have been the preservers of the river here.

Mr. Green.

2608. The free anglers?—The free anglers, yes. Well, now, I don't see the possibility of this combined action on the part of the tenants. I don't think it is possible to get them to combine to preserve the river

16th May, 1911.]

Mr. SAMUEL MCCOTTER—continued.

[DUMMANWAY.

Mr. Green—continued.

or to dispose of their rights properly. I am perfectly certain there is no possibility of that at all, and that may be left out of the question. The tenantry will not unite. Each one will simply consider his own interests and how much pounds, shillings, and pence he can make, and the suggestion I would have to make would be that the Department should acquire the fishing rights of the whole river when they are sold, and not only that, but that they should acquire the fishing rights of the tenantry that have purchased, that these fishing rights should be entirely vested in the Department.

Dr. Mahaffy.

2012. Suppose the tenants refuse to sell, would you make the sale to the Department compulsory?—Unquestionably, I would make the tenantry sell their rights.

2013. Whether they liked it or not?—Whether they liked it or not, at the fair purchase price.

Chairman.

2014. At a stated price?—At a stated price. I would, of course.

2015. Of course your suggestion would apply to every other river in Ireland as well as the Bandon?—It might, under the circumstances. Well, with regard to the preservation of the upper stream, it is impossible with the present staff of bailiffs to preserve them at all. In point of fact, there is no preservation.

The Committee adjourned.

Dr. Mahaffy.

2016. We have heard about that?—I think you have heard also that the services of the Constabulary should be enlisted in the thing.

2017. Yes, we have had all that?—But it has been said that the Constabulary would not be more effective than the bailiffs, but the very fact of the Constabulary looking after the river would be a deterrent to poachers.

Chairman.

2018. Yes?—Now, as regards the Bandon, I don't think I have any other observations to make. But I think you are not going to have any investigation about the Glen Valley River?

2019. We may at a future time. We are only considering the Bandon to-day?—Because I am intimately acquainted with the Glen, and I would like to tell you the condition of things there.

Dr. Mahaffy.

2020. Well, when we have an inquiry on the Glen we will call you as the best witness.

Chairman.

2021. This closes the inquiry in Dumanaway, and we are not proposing to meet in this part of Ireland for some little time again.

SEVENTH PUBLIC SITTING.

WEDNESDAY, 19TH JULY, 1911,

AT 11 A.M.,

At the Court-house, Glenties.

PRESENT:

THE RIGHT HON. SIR DAVID HARRELL, K.C.B., K.C.V.O. (Chairman).

THE REV. JOHN PENLAND MAHAFFY, D.D., LL.D., C.V.O.—
MR. STEPHEN GWYN, M.P.

MR. W. S. GREEN, C.B.

MR. H. H. LEE, Secretary.

Chairman.

Chairman—continued.

Although we have had meetings in other parts of Ireland, still this is our first visit to the north and to the County Donegal, and it may be desirable to say that the object with which this Committee was formed was to inquire into the effect which changes in the ownership of land in Ireland under the Land Acts have had or may be expected to have on the fisheries of the country, and in particular on the salmon fishing industry, and to make recommendations as to what steps, if any, it may be desirable for the State to adopt in the interests of Irish fisheries. Those are the terms of reference. I have only a word to add to that, and it is this, that our object in coming here

is to obtain information that will enable us to consider what has been referred to us. The main object to be kept in view is that where estates are passing to tenants, and where the fishing rights are being transferred to tenants, we should learn what their views are as regards the future, both as to preservation and proprietorship, and particularly their views as to how the value of the fishings conferred upon them has been increased, and in what way it may be further increased, in fact, how they may make the most out of the property which has come into their possession. That is the simple English of our object in coming here.

VERY REV. JAMES CANON MACFADDEN, P.P., examined.

Chairman.

Chairman—continued.

I see you are present, Canon MacFadden, and you could, I am sure, give us a great deal of valuable information with regard to the Ouseenoe and the Gaveeburn. You are conversant with the circumstances under which some estates have

have passed to the tenants, and we should be much obliged to you if you would tell us what you know on the subject. Perhaps you would like to make a statement yourself, or I might ask you a few questions leading up to the matter.

1904 July, 1911.]

VERY REV. JAMES CANNON MACFADDEN, P.P., CHAIRMAN.

[GLENITES.]

Chairman—continued.

Chairman—continued.

Cannon MacFadden—Just as you like.

2022. In the first place, you are a Parish Priest?—Of the parish of Innishake.

2023. Where exactly is your church, or have you more than one?—My principal church is in Glenites, and there are two outlying churches, one at the source of the Owenree river and the other over at Lough Finn. I darsney you passed by Lough Finn today in coming here.

2024. Your parish, then, is composed of properties through which the Gweebarra and the Owenree run?—Yes. The Owenree runs through my parish for a considerable distance, and then it enters into the parish of Ardara, where my colleague here, Cannon Doherty, is Parish Priest; and the Gweebarra, which is a very good fishing river from Lough Barra down to the tidal water, and has a very important estuary, bounds my parish almost for its whole length.

2025. You are acquainted with the properties which have been sold in your parish and which adjoin those rivers?—Yes, I am. Let me say, just if you please, that an arrangement has been made for the purchase of the Glenites portion of the Conyngham estate, in which I am interested, and also for the sale of another portion of the Conyngham estate, in which my interest is not so great. Nearly all my parish is owned by the Marquis Conyngham, and a few other small estates, for instance the Hamilton estate above the Gweebarra, which was sold, and of which I negotiated the sale on behalf of the tenants. And then there is another estate, known as the Orr estate, belonging to a family of that name. The sale of that estate took place in 1908. And then there is another small estate, the Johnson estate. The sale, as far as we are concerned, had been completed, but the Estates Commissioners decided that that was not an estate within the meaning of the Act, or words to that effect. They did not approve of the sale, for what cause I do not know.

2026. They did not declare it to be an estate?—They did not declare it to be an estate, and therefore the sale fell through, and it is in the hands of a receiver. There are other small estates, none of which have made any progress towards sale. In the case of the Conyngham estate, two or three years ago, in fact nearly three years ago, negotiations were going on, and the conditions of sale were agreed upon and signed by the representatives of the tenants and by the agents of the Marquis, but from what cause I am not prepared to say, no action was taken to have the purchase agreement signed or application to sell given in proper time to have it under the Act of 1903, so that the sale is likely to proceed under the Act of 1909, and I think the surveys and maps have been forwarded to the Computed Districts Board and the matter is proceeding. But from the signing of the agreement as to the conditions of sale to the present time the Marquis has dealt very generously with the tenants, because from that day on the tenants only pay 31 per cent. interest on the purchase money. The purchase money has been calculated in each case, and their 31 per cent. has been paid since that time, in lieu, you may say, of rent, although it was only the interest on the purchase money. And more than that, by the sale he gave over and reserved to the tenants all the sporting rights (including the fishing rights), with the exception of that portion of the Owenree which lies below the mill bridge here at Glenites and below the town bridge.

2027. Between that and the sea?—Between that and the sea. He reserved that on the sale, but the other fishing rights he conveyed, so that the tenants should be at liberty to fish not only on the inland lakes on the estate and the portion of the Owenree that extends from the mill bridge up to Lough Ean, but also the river from the town bridge up the Stracelle Glen; and he also yielded up his title to any fishing rights on the south side of the Gweebarra, he being owner of the land that abuts on the Gweebarra for nearly all its length.

2028. On one side?—On one side. Of course, the Conynghams were claiming, and they were recognised as the owners of a several fishery. The Gweebarra was recognised as a several fishery, and the Conynghams claimed it as their right, whether by purchase or by grant I don't know, but the tenants

on the other side of the river who were known as the Irwin tenants, bought under the Ashbourne Act some years ago and had the sporting rights reserved to themselves; and some years ago they commenced to fish with nets upon the river, and this trespassed upon the Conynghams' claim to an exclusive fishery, and they were prosecuted at Petty Sessions and were fined. There was an appeal from the Court of First Instance to Judge Barton's Court, and he confirmed the judgment of the Court below. There was a further appeal from Judge Barton's Court to the Court of Appeal, and the Court of Appeal reversed the judgment of Judge Barton on the following terms—"without prejudice to any other proceeding in which claim to a several fishery in the whole of the tidal waters in the Statement of Claim mentioned can be heard and determined." I believe the reason why the order was made without prejudice to any other proceedings, was that General Trevellick would seem to have had an interest in the fishing rights of the Gweebarra, and General Trevellick had not joined in the prosecution of the defendants, and hence, it appearing that General Trevellick had an interest in the fishing rights, these rights could hardly be described as exclusive. Of course, if General Trevellick had joined, the Court might have decided that both General Trevellick and the Marquis Conyngham together were exclusive owners of the fishing rights, but he had not, and the Court of Appeal reversed the judgment, I think, on the technical point, expecting that possibly there might be further proceedings. Here are the exact words—"without prejudice to any other proceeding in which claim to a several fishery in the whole of the tidal waters in the Statement of Claim mentioned can be heard and determined."

2029. It has gone no further?—Well, the Marquis Conyngham abandoned the thing.

2030. So that it has gone no further?—The Marquis Conyngham not only abandoned any further proceedings, but he handed over to the tenants whatever rights he had in the Gweebarra fishery.

2031. I take it that the point was raised by the cause taken by the Irwin tenants?—Yes.

2032. It was their exercise of the rights they believed they had that raised the point?—Yes, they raised the point and they prosecuted the case, but the landlord that sold to them, Mr. Irwin, did not claim any fishing rights against the Marquis Conyngham's claim of a several fishery, and did not lay any claim to fishing rights on the river, nor did he exercise any fishing rights on the river, but when the tenants became possessed of the sporting rights and had the sporting rights reserved to them, they went into the business and litigated it with the Marquis Conyngham, with that result.

2033. To what extent of the Gweebarra estuary and river does that judgment refer—does it refer to the whole river, or merely to the estuary?—That judgment leaves the whole estuary, the tidal waters from the bar to the river itself, an open or public estuary.

2034. That is, as far as the tidal waters go?—Yes.

2035. But what about the Gweebarra above the tidal waters?—He does not lay claim to the fresh-water part of the river either, but the Irwin tenants have been using it in the past.

2036. For 14 miles of fresh water?—I don't think it is 14 miles of fresh water. It is rather a short river, but there are some very good pools on it.

2037. But whatever the extent of it may be, there is no claim there by the Marquis?—No, no claim by the Marquis.

2038. And no claim by the landlord on the other side?—The present proprietors are on the other side.

2039. We have the Irwin tenants extending up there all the way?—Yes, all the way.

2040. Though confining their attention to the tidal waters of the estuary of the Gweebarra?—Yes, and angling on the river.

2041. And there was never any litigation about the non-tidal part?—I darsney they both went together. I think the Conynghams claimed an exclusive title to the fresh-water part, too, under their grant.

2042. But you have told us that the existing conditions of proprietorship of the land refer both to

1964 July, 1911.]

VERY REV. JAMES GANNON MACFARLANE, F.R.S.—continued.

[Glasgow.]

Chairman—continued.

Mr. Guggen—continued.

the fresh-water portion and the tidal portion of the Gweebarra. Would you tell us now, Canon, how the Irwin tenants have managed their rights?—The Irwin tenants have been net-fishing for the last two or three years—I think three years probably—and I know they have boats for net fishing. They have been using the right of fishing in the tidal waters.

2643 Is the fishing carried out by the tenants whose land comes down to the waters of the estuary, or is there any way in which the Irwin tenants have pooled their rights of fishing with a view to distributing any profit?—They have pooled the profits of the fishing with the profits of the game. You see it is a small estate and they can easily do that, and they use the fishing rights and the sporting rights to the best advantage, and pool all and put it in relief of payment of the rates or annuities, and they have a committee, I believe, with, I think, the parish priest chairman of it.

2644 Who is the parish priest?—Father Scanlan, of Dungloe.

2645 How long has that system of pooling been in existence?—From the very beginning. There was some difficulty in establishing it at first, because I know it to be a fact that there was some opposition offered by a number of the mountain tenants who had their sporting rights close to their land on the mountain and the moor, and that they objected to pooling or joining with the other tenants who would participate in the profits, but eventually they agreed, and now it is going on very satisfactorily and mutually amongst them.

2646 How many years is it since this was done?—You will have other witnesses from the locality, but I can hardly tell you. It has been going on for several years.

2647 I should like to have particulars as to how they manage to pool the fishing profits and the game profits. Would every tenant on the estate participate, more or less?—Yes.

2648 Every tenant on the estate?—I will give you an instance of the effect of the system. I was talking to the parish priest, and he said he had secured so much money through the year that he was able to pay not only their rates, but their annuities on the purchase money.

2649 On the whole estate?—For the year, on the whole estate.

2650 Then the advantage of this arrangement is not confined to a tenant whose land adjoins the river or the estuary, or to tenants on the mountain part where there is good shooting, but it extends to every tenant on the estate?—It does; but let me say this, that, of course, the net fishing in the tidal waters is something, but the fishing rights of the fresh-water part of the river would not be worth much.

2651 Now, on that fresh-water part of the river I take it that in the spawning season they catch the salmon going up there to spawn?—Well, yes. On every river they do that.

2652 Are there small tributaries in the upper reaches of the Gweebarra?—There are some tributaries, but they are very small, unless when there are freshets in time of heavy rains.

2653 But in the small tributaries the salmon do spawn?—They spawn, but I am not very familiar with the upper reaches.

2654 But you are a student of this subject—I can see that—and where the independent landowners have an interest in the salmon fishing, I presume they have also an interest in preventing poaching in the upper reaches of this river. Do you know whether there is poaching there, or whether there is destruction of spawning fish?—You know it is not a very long river, and it is a very dull river with fast stretches in it, and there are some precipitous spots, and I don't think it is a great river for spawning unless you go up about Lough Barra.

Mr. Guggen.

2655 As a matter of fact, the best spawning part of the river is about Lough Barra, and I know that the tenants there make arrangements with people who are not engaged in the day to watch the river for them, or they did a few years ago, and I think you said we

should get evidence from somebody?—Yes, I think Mr. O'Donnell, of Doohary, ought to be able to tell you.

Chairman.

2656 But now as regards the Conyngham estate on the Gweebarra, I should like to have some information as to the fishing arrangements. You have told us about the pooling arrangement by the Irwin tenants as to sporting and fishing rights. As regards the Conyngham tenants the negotiations are still going on, but what has become of the fishing in the meantime?—The fishing rights are consumed by the tenants in the meantime, but not by all of them. There is one boat that fishes with a net on the Conyngham estate, only one boat.

2657 Is that for individual profit, or is there any suggestion of a pool?—No, the system of pooling has not been established here yet, and it is under consideration, and I am told exercise of the fishing rights is a source of a great deal of trouble, because there are about six or seven hundred tenants on the Glenches side of the river.

2658 Some of them tenants, I suppose?—Yes. It is very easy to deal with a small tenantry, but it is very difficult otherwise. The tenants divided the estate into five or six sporting farms, and divided the tenants on those different farms should form local committees and have the management of the shooting rights, and deal with their own rights and profits that would be pooled between themselves. The affairs have not yet been dealt with in that way. The land is very sparsely populated.

2659 Have you succeeded about the sporting farms?—We have partly succeeded, but some have large tracts of moorland and they do not like the pooling.

2660 They think they ought to get a bit more?—They want the whole price of the game shot on the farm; and the game is being shot for 7s. 6d. a brace, and they want to get all of it. The majority of the tenants who supply the feeding ground are in favour of having the rights pooled, and any interference in the matter is to this effect, that one-third of the money should go to the man on whose land the birds were reared and shot, and that the balance should be kept by a treasurer till it would come to the amount of the rates accrued due at any particular time and should pay off the rates then, being divided according to the valuation. That was my idea, and I think by a little persistence it may possibly prevail. Those who claim all the purchase money should, in my opinion, get 3s. 6d., but they would also get their share of the balance.

2661 Quite so. That would relate to the shooting?—To the shooting.

2662 I daresay that when the time comes some other plan will be devised for the fishing?—As to the fishing, one of the great difficulties in our way, is that one landlord owns one side of the river and another landlord the other side of the river, and we buy one side and the other side is not bought, and there is more latitude on the other side than on ours, so that the result is that our interest in the river is very much injured by reason of the fact that there is some little trouble on the other side. And you know that the Gweebarra is the boundary of two parishes, and that is always a difficulty, and it will never be properly arranged till somebody becomes the owner of the land on both sides. If the Congested Districts Board get hold of both sides they will be able to arrange the sporting rights and the fishing rights satisfactorily, as they did in the case of the Trillick estate.

2663 Now, is there anything else that you would wish to say about the Gweebarra before we come to the Queen's again?—About the Gweebarra, I think there is more activity now in preserving the water and less poaching on the waters than there was in the past. I have learned that from the people living in the neighbourhood, and the point of my remarks generally is that the transfer of the sporting rights and the fishing rights—or the sporting rights including the fishing rights—will greatly tend to improve the supply of birds and improve the conditions as to these matters and make these things more valuable in the future than they were in the past. But I must say

1914 July, 1911.]

VIRT RAY JAMES CANON MACFARLANE, F.R.S.,—continued.

[GREENWICH.]

Chairman—continued

that, that the rivers are not by any means as well crowded now with fish as they were ten or twenty years ago.

2651. How do you account for that?—The landlord then, you know, saw after the river, and it is a pretty good river for its length, and a pretty long river, too, but the supply of fish is not so good as it was nine or ten years ago. Now, you know there is drift-net fishing on the coast, and the fishermen round the coast are getting licenses for using drift nets. And, of course, the salmon is a deep-sea fish, no doubt about it, but at the same time the salmon has a great thirst for fresh water. They go in shoals from west to east. They are not very much attracted by small rivers like Slane, but by rivers like the Bean and the Foyle, but whenever they come in big shoals along the coast they make for the fresh water, and I think that the fact that there are so many drift nets used nowadays reduces the supply of the fish to the rivers, for they are secured in deep water before they can come near to the mouth of the river. I think action ought to be taken, and the Fishery Branch of the Department ought to have an inquiry so as to minimize this danger to the inland fisheries by limiting the length of the nets.

2652. The length of the drift nets?—The length of the drift nets. Of course, I would be very pleased to have the fishermen along the coast make as much as they could of it. I would be glad that those men were able to have the advantage of this harvest of the sea and I would not raise any difficulty about them, but the length of these nets is about 1,200 yards, and a company may be got up, and use a motor boat with a net 3,000 yards long, and that would be very injurious and would certainly reduce the supply of fish in the inland waters.

2653. Then it is your opinion that the increase of these drift nets has the effect of reducing the number of salmon that come up the rivers?—That is the first apparent cause. There may be other natural causes that I don't know.

2654. Because we have heard that opinion expressed in other places, and that opinion has been combated by other opinions, and I should tell you that in those cases where the fishing has not been so good as it was formerly, the balance of opinion goes to show that that result has been due to destruction of the spawning fish and the sweeping of the rivers with nets?—I am not sufficiently versed in piscatorial matters to know about the habits of the salmon. You know it is not very easy to master their habits and ways, but, of course, I should imagine that that would have an injurious effect on the supply if it be true that the salmon come back to the rivers where they were spawned.

2655. Well, at any rate your experience is to the effect that there are not so many fish in this river as there used to be?—Yes; that is what I say; though, of course, I have not a very long experience of it myself, I have not been taking an interest in the river till recently.

2656. Well now, we will come, if you please, to the Owsen?—Well, General Trevellick sold the property to the Congested Districts Board. The Congested Districts Board bought the property with all its appurtenant privileges, and also bought the fishing rights of the river Owsen. I think it was dealt with as an item of the purchase, and I think they paid £100 for the fishing rights.

Dr. Molloy.

2657. That was very cheap?—Yes, I think it was regarded as very cheap. You will generally find that when you are dealing out you will take anything you can get. Then there arose a question as to what they were to do with these fishing rights, and we had a meeting. There was a meeting held and a special resignation, and Mr. Green attended at Ardara and the question was discussed at great length. There is the Ovenshooter as well as the Owsen, but the Ovenshooter was supposed to be of so little value that they did not trouble about it, but confined themselves altogether to the Owsen, and it was considered as a special and distinct item of the estate, and we discussed it, and I was on the side of having the fishing rights transferred to the tenants occupying the hold-

Dr. Molloy—continued.

ings abutting on the river. There are some tenants far away from the river, and there are about forty of them abutting the stretch of the river.

Mr. Gwynn.

2658. On one bank of the river?—On the south bank. I was of that opinion for three reasons, that if the benefit of the fishing rights were handed over to all the tenants of the estate it would lose its value. Some of the tenants were living miles away from the river, and if the thing was pushed to its strict limit they would be giving the benefit of the fishing to the people in Kildar, and it would not be wise that the thing should be dealt with in that way. If I owned a piece of land on the river and there was a good pool at the foot of my farm, and I saw fish in it, I would have very little chance to preserve it for a person living in the mountains five or six miles off, and I would have a tendency to gobble it up myself. From all the circumstances I took that view. There were a great many opposed to me. Canon Doherty was against this view, and the positions were against it, and after hearing all the different arguments and views that came up for discussion the Congested Districts Board, to my satisfaction, fell in with my view that the proper way would be to hand it over to those who occupied the land abutting on the river and make the fishing appurtenant to their holdings so that it could not be separated from the holding. I have got a letter here from the lawyer of the Board that explains the matter more shortly than I can do it. It says: "The Board are reserving from sale in connection with the holdings the fishing rights over the Owsen and Ovenshooter rivers and other waters forming part of or appurtenant to the estate, which at time of purchase were yielding a substantial revenue, as set out below, and which the Board had to purchase apart from the rental of the holdings." Then they state what it was yielding at that time. It is very hard to get that now. They say Colonel Higgins's letting was £70 a year. Then Mr. McNelis gave £5 for one pool and £7 10s. 0d. for another; and those sums amounted to £80 10s. 0d. Then General Trevellick kept for his own use a portion of the river to the value of £35; so that the whole money value of the river comes out at £117 10s. 0d. Then they say: "Since the Board purchased the estate they have only received under the fishing lettings £80 10s. 0d. for the year ending November, 1907, and £87 10s. 0d. for the year ending November, 1908, and they have paid to watchers and caretakers of the fishing, irrespective of their shooting lettings, about £80 a year. The Board are prepared to convey to Trustees elected by the majority of the tenants of the Ardara and Glenties sections of the estate all the fishing rights they reserve on sale of the holdings for the sum of £400. The deed of trust will provide that the Trustees shall let and manage the fishing rights in the interest of the estate and apply the surplus revenue after payment of all necessary expenses to such purposes as they deem most beneficial to the general body of the tenants of the Glenties and Ardara sections of the estate. If the tenants should be unwilling to provide £400 for purchase of the fishing rights the Board will be prepared to retain the fishing for a few years until their net receipts realise £500, and then convey the fishing rights, without any payment, to Trustees for the tenants as above expressed." Well, it would be a long time before we would make up the £500, and some of us would not be in existence.

2659. Do I understand that it is proposed to empower the trustees to apply the proceeds to the tenants of all sections of the estate, as they think proper?—No, to the riparian tenants, about forty tenants. There is a schedule setting forth the tenants.

2660. That reference then is a reference to the forty tenants?—Yes, there are forty-two tenants.

2661. Not to the whole of the tenants?—No.

2662. Now, what was done upon that?—That led to a compromise. My view was not adopted unanimously. I was in favour of buying out the Congested Districts Board and commencing to work the river for the benefit of the tenants and procuring the money to pay the Congested Districts Board, and then if the river succeeded, as

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VERY REV. JAMES CANON MACFARLANE, F.R.—continued.

[GLASCOW.]

Mr. Guyan—continued.

It was expected it would succeed, that they would be able to pay four per cent on the loan and pay a few water bills, and save some money year by year till the capital could be paid off. Then the whole profit of the river would come to themselves.

2675 For distribution?—The tenants tried to raise the money and they failed, and then they consulted me, and I took action and I found the money, and I sent the money to the Congested Districts Board, and I see that they drew the cash. Anyhow, the cheque I sent has been cashed.

Dr. Macauley.

2677. You need not tell me that, for that is obvious?—Yes, and a committee was appointed, with two laymen from this parish and two from Ardara, and the parish priests of Ardara and Glenties. The committee held meetings occasionally. Last year Mr. Wilkinson, of the Geological Survey Department, took the river from the 15th of June to the end of the season, for £50; and before that I got £5 in 6d. for second-hand rod-fishing, so that the proceeds of the river last year were £55 in 6d. This year we have not succeeded in getting anything for it. I got £2 10s. 6d. from a few gentlemen who stayed at the Ardara Hotel, angling on it. They paid 10s. a day and they could keep the fish.

Mr. Guyan.

2678. Before the sale took place was it let every year?—Yes, it was let every year to different parties.

Chairman.

2679. When you say £55 in 6d., was that gross?—Yes.

2680. And you had to pay keepers out of that?—Yes. We had four keepers at £7 each; that was £28, and the interest of the money was £15 in 6d., so that the balance would be about £20.

2681. Now, that is the Tredennick estate?—That is the Tredennick estate.

2682. That did not comprise both banks of the river?—No.

2683. What length of river on the one bank?—I should say about seven miles. And there is a small property that comes in, and a Miss Johnson has a bit of it, and then I think a Mr. Ryan has a pool on the other side.

2684. But confined to your side?—Only one, I think, Miss Johnson. But on the other side there are one or two, and those things are very awkward, because these pools are taken, and it interferes with the success of the river to have different owners.

2685. Have the properties passed to the tenants on the other side, or are the estates likely to be sold?—The conditions of sale on the other side are much the same as the conditions of sale on this side, with this difference, that the sporting rights are reserved to the landlord during the tenure of the lease that was given to Colonel Hamilton.

2686. A lease to a fisherman, for the purpose of fishing?—Yes, fishing and shooting on inland lakes. But in the case of the other portion of the estate, the sale of which has been referred to, the Glenties portion of the estate, the tenants on the other side contend that they ought to get the fishing rights the same as the tenants of the Glenties portion of it get the fishing rights of the Oweness, from the bridge up for a length of four or five miles.

2687. You are speaking of the Conrygham estate?—I am speaking of the Conrygham estate.

2688. Well now, is it the case that the bank of the river opposite to that is not yet settled?—Not quite settled.

2689. But the tenants there will be possessed of the fishing rights?—Well, the representatives of the tenants signed an agreement, and they signed it subject to the reservation of the fishing rights of the Oweness below the bridge.

Mr. Guyan.

2690. Those rights are probably reserved to himself by the Marquis Conrygham?—Yes, on the side, the rights below the bridge, and now some of the tenants are disposed to back out of that, and not only dis-

Mr. Guyan—continued.

posed, but they are fighting it. They don't want to let anyone fish the estuary of river. You know that hampers the success of the angling on the other part of the river. I am not going into that just now. Further on I may go into it.

Chairman.

2691. Let us hear what you want to say?—That the solution of this difficulty should lie with the Congested Districts Board or somebody else purchasing and dealing with it.

2692. In the same way as the Tredennick estate?—Yes.

2693. How could the Congested Districts Board buy the Conrygham estate?—There is nothing impossible.

2694. But the tenants and the Marquis are negotiating at present for a direct sale?—But if the conditions were not capable of being carried out. Of course, the Congested Districts Board, I dare say, might consent to allow the landlord and the tenants to carry out the sale that they had agreed upon, if they did it within a year, but if it was not done within a year, then the Congested Districts Board would be bound by the Act of 1903 to take it up themselves. Is not that so?

2695. I should not like to express an opinion as to that, but at any rate, with regard to the terms which were formerly made or less agreed upon, there is a great difference of opinion now?—Yes. With regard to the terms agreed upon, I have a copy of the agreement from here and the terms that were agreed upon. Here is the whole thing. This agreement was made on the 1st of February, 1909, and here is paragraph No. 11 of the agreement:—"All the landlord's rights of fishing in the Oweness river and its tributaries, save and except the portion of the contributory river known as the town river above the town bridge, and the portion of the contributory river known as the Glen river above the mill bridge, are reserved from sale. All other sporting rights are to be vested in the tenants." That is the only reservation on the whole estate. That is what I told you in the beginning. And that is the agreement that was signed. I raised a protest at the reading of this agreement that the sporting rights were subject to lease. I raised a protest at that time that when the negotiations for sale were proceeding the agent of the Conrygham estate went and leased the place, reserved the lease or leased the place de novo—I am not sure which—do Colonel Hamilton; and I thought that that was not straight, that it was not honorable when we were proceeding to buy, but I had only one townland of my parish engaged, and they had no sporting rights of any kind except, perhaps, they might have a few woodcock in the proper season. I had a difficulty in that way, yet I waived my protest and signed it. Canoe Deherly was not there to sign.

2696. And now in the further negotiations the tenants desire to have the rights that were then reserved?—Not only the tenants who hold farms abutting on the fresh-water part of the Oweness, but actually the tenants who hold lands abutting on the estuary—they too are looking out that they should get the rights of the fishing. I do not quite left in with that. We had to buy the fishing rights and we bought them with dry money, the portion of them we bought from the Congested Districts Board. We bought, and I think they, too, should have to buy if they want them for themselves. I know the Congested Districts Board did not yet buy, but I knew negotiations for sale of the estate are going on.

2697. Following the precedent set in the case of the Tredennick estate, you think if they wanted those rights they ought to pay for them as you paid for them?—Certainly, I think so. The course of proceedings should be then, in my mind: The Congested Districts Board will buy the estate, and I dare say they would sell the fishing rights, and if anyone wants to buy the fishing rights they will have to pay the Congested Districts Board whatever the Congested Districts Board decide to be payable to them for the fishing rights. That is the course they took in the Tredennick estate.

2698. Do you think that some arrangement other than the present will be necessary before you can get the full benefit of your bank of the river?—Yes, full

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VIRT. REV. JAMES CANNON MACFARLEN, P.P.—CONTINUED.

[GLENHUA.]

Chairman—continued.

control, and harmony; no one dissatisfied or discontented, or anything like that.

2699. Now, are there any other properties there that have passed either with or without the preservation of the fishing rights such as are negotiated for now on these two rivers?—There are several. Some sales have taken place, for instance, the Style estate, of Glenhwa. There is a very good salmon river, Canon Dubhett tells me that the Compton Dubhett House offered the tenants the Owenduff for £20. I don't know whether they will take it or not; I wish to add that there have been no sales in County Donegal under the Act of 1909 or the Act of 1906, from the Bally over to the Greenhwa, that I am aware of. You have the Lestrin estate, the Stewart estate, the Nixon estate, the Hill estate, and the Ophert estate, and no sales have taken place, but there was a sale of portions of the Ophert estate, a portion owned by Robert Ophert. I think he sold under the Ashbourne Act. Well, the sporting rights are reserved in all. They are reserved on the Style estate and the Sinclair estate.

2700. We are not going into the case of estates which have not been sold, but estates that have been sold or are the subject of negotiation. What has been done with regard to the fishing rights on those estates?—Those are the only two estates that we have—the Tredennick estate and the Conyngham estate.

2701. Now, you have given us a great deal of most valuable information, Canon, with regard to sales within your knowledge, sales, where fishing rights have been transferred to occupiers, and you say that the preservation is much better than it was formerly in such cases, and you have also given us your opinion as to how the industry can be developed and improved—and I think you have referred to drift nets—I have not given you that yet.

Chairman.

2702. Perhaps, then, you would just say what you would like to add on that subject?

Mr. Green.

2703. Before you go to drift nets, what about the fishing rights in the estuary—do they work drift nets there now?—They have a strike there. They are out on strike, and they are not maintaining the boats. The landlord is not able to man a boat there now owing to the opposition of the adjoining men. The estuary has not been fished for the last two or three years.

2704. If those nets are really off the estuary, that ought to have led to a great improvement of the river?—That is quite true.

2705. Are they really off?—Oh, they are. The steady regular angling is off too; but I think there are those drift nets close to the mouth of the river, and I think they also get an occasional rod on the river themselves, and they try to pick up as much fish as they can. That crime for booty you will not be able to extinguish in the human race, I am afraid. Well, things could be better done, on that point. My only idea with regard to that is this. I think that in the case of certain outsiders, like the Scotch boats coming over to fish here for herrings, there ought to be some limit put to the length of the nets, anyhow. As for those people coming from other parts of the country, Potawat and elsewhere, people who can afford to buy these motor boats and long nets to sweep the water, I think they ought to be obstructed as much as possible, of course, for the encouragement of the native fishermen. That would be one method of helping the industry. The other course would be preserving the waters more effectively, particularly in the spawning season, to stop the habit of taking the fish with nets and with other illegal means, dynamite and things like that, which is not an encouraging method of poaching salmon.

Chairman.

2706. Do they poison these rivers ever?—Well, I don't know of anything, except the use of dynamite.

2707. Is there sponge ever used?—No, I don't think it is.

2708. Oh lime?—I don't think so. They are not so expert as that; but I think they use the nets. Now,

Chairman—continued.

I throw the responsibility of conserving the salmon industry on the Conservators of Fisheries. We have had to appoint four water bailiffs, and really it was the duty of the Conservators to have water bailiffs that would protect the river.

2709. What defect are you referring to?—This district here, the Owenree district. I refer to the Conservators of the Letterkenney district. They have any amount of money; they have voluntary subscription; and the issuing of licences for nets and for rods has gone up immensely in the last few years.

2710. Are there any of the residents here on the Board of Conservators?—No, not one, except one from Doonagh, Mr. O'Donnell, who is, I think, to give evidence here. He is the only one, and I have been trying to get the Secretary to appoint a water bailiff on the stretch of the river from the bridge up to four or five miles, and he said he would be delighted to send me a form to get it witnessed, but I should think that the Conservators should pay the salary, and they don't do it.

2711. Do they tax the river, or how do you contribute to the revenue?—We have not been asked to contribute anything to the revenue so far. I don't know about that. I think there is a valuation on the estuary, but I don't think there is any valuation on the river, and hence I don't think that those who are claiming the river are liable for tax. Now, the Secretary of the Conservators sent me a letter telling me the names of the bailiffs that they had upon the Owenree, and they have about eight bailiffs—Hugh O'Donnell, of Carr, getting £16 a year, and his son getting £4; Francis Watson, £5; Joseph Watson, £5; Joseph Breen, £5; James Hare, £5; Andrew Breen, £5; and McCall, £5. A man that they had appointed to watch the river and conserve the fish and keep off poachers was caught on the 5th of May, 1910, with a big salmon on his rod in the river.

Mr. Green.

2712. That is, one of the bailiffs? One of the Conservators' bailiffs?—One of the Conservators' bailiffs.

Dr. Makoffy.

2713. He was picking and stealing?—He was picking and stealing; and it was too late or I would have sent the case up to Mr. O'Connor.

Mr. Green.

2714. Well, it is a great temptation to a bailiff if he can't catch a poacher to catch a salmon?—The best take would be preferable to the first.

Chairman.

2715. Have you had many prosecutions of poachers, Canon?—I think there is an unusual activity in prosecuting since the Tredennick estate passed over to the tenants, and I think there are several prosecutions pending just now. The Conservators' funds are strong, and as you have remarked, the Conservators have only a few men attending their meetings. For instance, I saw last week they had Thomas Hayes, of Carrigroh, and P. H. O'Donnell, of Doonagh, only three or four attended, and of course the representation is not very good, and they hold their meetings at Letterkenney, which is a very inaccessible place for people from South Donegal who would take an interest in their proceedings. I would suggest that they ought to have on these Beaul local people, or people who would take an interest in the conservation of the fish, and also hold their meetings at different centres now and again so as to make it convenient to attend, but I desire to emphasize the fact that they ought to show more activity in looking after the salmon-fishing industry, and to see how the bailiffs are doing their work. Now, there were no prosecutions for centuries before for years, that I know of, till within the last couple of years, and that is since we took over the watching of the river or helping to watch the river, although they have these bailiffs. Local men know how the bailiffs do their work, but there is no supervisor and no one to look after them. And then there are the police. The police are supposed to look after poaching, and they have succeeded lately. I think they are the most efficient and the best water bailiffs. I think if it was

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VERY REV. JAMES CARON MACFARLANE, F.R.—continued.

[Continued.]

Chairman—continued.

possible to get them to devote more attention and more time to watching the river and preventing poaching, particularly during spawning time, it would be splendid, and I think they would be the most efficient body to do that work, and I need not tell you that here in Deangal, in particular, they have nothing else to do except to take the Cranes and things like that, and tillage seeds every season, because you know smuggling and illicit distilling are dead in Deangal. There is not the illicit distilling that used to take up all the time of the police formerly, and now they are free, I think. And there is another thing. I am talking very plainly on these points, because I am just saying what I think. If there is a prosecution I am afraid the Bench is packed.

2726. I am afraid we can scarcely go into that?—I suppose that is beyond the reference.

2727. It is beyond the reference?—But it is not beyond the means of preserving the fishing, and if I were in authority and had control of the matter I would have more of that kind heard by the Resident Magistrate alone. And that is not a bad suggestion.

Dr. Makgoff.

2718. Now, I want to ask you a question for my own information. In speaking of the value of rod fishing to commerce, I think you said you did not regard it as worth anything—or did you?—Well, I did not think it was worth very much.

2719. Is it not for now by the tenants to gentlemen for fishing?—Have they not got all these to put up people for fishing?—Well, they have in run or factory, but I am not sure whether they let the fishing or not.

2720. Does the fishing comprise the two sides of the river all the way, or is there one on one side of the river and another on the other side?—Yes, it comprises the two sides. The Congynham estate abuts on the river on both sides of the Guebara except the Fredericks portion, and Miss Johnson's, and there is a small stretch there belonging to a Mr. Ryan.

2721. You say there are forty tenants who are the riparian owners?—About forty-two, I think.

2722. Running up how many miles, seven or eight miles?—Not so much as that; about that I should say, but I don't think it would be quite so much as seven or eight miles.

2723. But the tenants up at the very head waters are the most important for preserving the fish?—Yes.

2724. But as they don't get any people to fish up there, for it is too high up, would you propose to give them some compensation to keep them in good humour as to preserve the letting of the river—you see my point?—Well, the stretch of the river is about five miles, say, from the bridge up to the top, and I have been always at these meetings to join together and turn that to advantage for themselves and preserve it, and that could then be it. My idea was that local bodies in Guebara ought to give something substantial for the use of the river by visitors, and that it would attract visitors to have this river preserved.

2725. My idea was that the people at the head waters, who have most of the power of preservation of the fish in their hands, are the people whose actual riparian rights as fishermen are worst, because there is not any rod fishing up there?—There is a little rod fishing, but I don't think they are paid anything for it.

2726. But those people would be placed in a position difficult, and if you make a pool of the money these people, who are riparian proprietors, ought to get a proportion out of it?—That part of the question has not been settled yet, that is, the question as to how they are to turn the fishing rights to advantage for themselves. They have not come to an agreement about it. It has been discussed several times, but you cannot get them to agree about it. Portion of the river up there on which farms abut is useless for a good part of the year. One man may have a very good pool at the foot of his land and another man nothing at all, and it is difficult to get an agreement among them on a common ground like that. In any case, the angling rights of the individuals from the bridge up to the mouth are not very substantial.

Mr. Greig.

2727. From the town up?—From the town up.

Dr. Makgoff.

2728. The angling rights are not substantial?—No. 2729. Would they be worth Rs. a day?—I don't think so.

2730. What do you charge for that?—Nothing at all. The tenants fish it.

2731. I have had very good fishing on that river?—Yes, there are times of the year when there is very good fishing.

2732. But you charge 10s. from the bridge down?—Yes, from the bridge down. The stretch continues at a place called Derrisa, from Derrisa to the estuary. The Fredericks estate does not come so far as the bridge, but within a mile of the town.

2733. I think the fishing up the river, if you looked after the fish properly, would be worth a good deal, and hotel keepers would be very glad to come to an agreement with you?—I was talking a hotel keeper, and he would not give 65 a year for it.

2734. But we know there is much less poaching about the spawning beds now than in the old times, so that it can hardly be the poaching at the head of the river that makes the salmon grow less.

Mr. Greig.

2735. As far as I understood at present the stretch of river above the town is leased to nobody at all?—No, it is not.

2736. Both sides are on the Congynham estate?—Yes, both sides.

2737. Well, that portion of the river above the town is only watched by such bailiffs as the Conservators appoint?—Exactly.

2738. Then it is all free river above the town and only watched by the Conservators' men?—That is all.

2739. Then the valuable part of the fishing is the part between this and the city?—Yes, quite so.

2740. That is about ten miles?—About that I should say.

2741. Then, as I understand, about five or six miles of the north bank is the Fredericks estate, and vested in the tenants?—Yes.

2742. And you are trying to let that?—Yes.

2743. And you cannot let it at the present time?—We cannot get a tenant. It is very hard to get a tenant to take it for the season. For a fortnight or for a month it may let more easily.

2744. But the whole of the north bank is still in the hands of the Marquis Congynham?—Yes, it is.

2745. Is that let?—I don't know whether that is let at the moment. No, I find it is not let.

2746. Now, is it your opinion that it would be possible to let the two banks separately—I mean that it would be big enough to carry a rod on each bank?—It would be very awkward. It would not do at all to be whipping both sides. There ought to be some understanding arrived at as to the use of the river.

2747. You think both sides should be let together?—Yes.

2748. So that it would be watched on both sides?—Yes.

2749. Now, at the present time all you have is only one bank of the river, and what is happening to the north bank at the present time—is it being fished?—Well, I think you will get men angling there any time of the day you go out. I think the bailiffs are not watching the river very well, and then a policeman gets leave, and he is supposed to be watching poachers.

2750. Who gave him leave?—I don't know who gave him leave, but more than one of them angles on the river, and he catches fish and sends them off to sell them, and of course if a gentleman hears that a river is poached he would give you nothing for it. If you were going down with your rod to fish, say, on the north side of the river, and if you happened to see another man slipping away at the boat pool on it you would come home in disgust and you would not like to be bound by the contract at all.

2751. The south side of the Guebara is practically owned by the Congynham tenants?—Yes.

2752. Well, there is no general arrangement among the tenants on that bank as to their fresh-water fishing?—No, there is not.

2753. And there is no general arrangement among them to exploit the tidal fishing, and it is only a case of each man doing so on his own account?—Yes.

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VIRT. REV. JAMES CANNON MACFARLANE, P.R.—continued.

[GREENGLASS.]

Mr. Guyan—continued.

2754 And I understand the Margins Conyngham's rights, whatever they are, are vested in the tenantry?—They are not vested, but they are conceded to them. I fancy the Congested Districts Board when they buy the estate will have something to say to that.

2755 Then it would be necessary to make an arrangement with two bodies of tenants on the two banks of the river?—Yes. Of course, to develop the interest of the fishery successfully there must be an understanding between the two sides.

Mr. Green.

2756 You should get the two bodies to agree together. Do you think there is any possibility of getting the two bodies to agree to have one set of trawlers to work the place?—I think that is not impossible at all, and it is not at all improbable that when the preliminaries are completed and when the estates are in the hands of the Congested Districts Board they can arrange that when they are re-selling to the tenants.

Mr. Guyan.

2757 Might I put it to you in this way, that your opinion would be, as regard to the Greenacres and Greenacres both, that the fishing rights on the fishable part of the two banks of the river should be pooled, and should be applied for the benefit of the tenants who have land abutting on the river?—Yes, that is my idea.

2758 And you think the tenants ought to pay a certain sum beyond the estimated price of their agricultural holdings?—Yes, the purchase-money of their agricultural holdings without sporting rights. My idea on that point is this: I say that the tenants of both sides of the Greenacres, including the estuary, ought to join together to purchase the fishing rights both on the river and on the estuary, and form a club or committee or company of some kind, a limited liability company, and then work for the benefit of the entire body.

2759 And without going into the question of the value of the estuary, would you think that the value of the fishing from this down to Ardara would be fully £300 a year?—Witness—The river itself?

2760 Yes—I think it ought to be fully—of course, if it is properly dealt with.

2761 Assuming it is properly watched?—It would be a most desirable river for sport, and would go like hot cakes if they could manage to have harmony and to have the poaching element eliminated.

2762 Up to the present time General Tredennick has derived from the fishing something over £100 a year, and I suppose the Margins Conyngham would be willing for a couple of hundred to sell?—I think £200 was the rent of the Tredennick portion last year.

Dr. Malagoff.

2763 You know, Canon, that the value of this fishing is going up every year?—I am sure it is.

2764 It is a rising property?—Oh, yes, it is a beautiful river, the bank of the river is so pleasant to fish on.

2765 Yes, very. You need not jump over ditches or go through bogs?—It is a level place.

Mr. Green.

2766 I think you said you were thinking of asking to have a limitation put on the length of drift nets?—Yes.

2767 You suggested 200 yards as a reasonable length?—I am talking of a subject of which I know very little from experience as a fisherman. Of course, that is about their average length.

2768 Their average is 1,000 yards, is not it?—I should be glad to see the length limited to, say, 1,000 yards. They are fishing with those long nets with motor boats and sweeping the whole coast. I believe they extend out to Tory Island with nets of 3,000 yards.

2769 We cannot make a by-law without holding a public inquiry?—You can make a by-law limiting the length of the net.

2770 But they must come within the three-miles' limit?—Oh, they will, probably off the shore.

Mr. Green—continued.

2771 You mean to say the men coming from outside the district?—I dare say they would not land.

2772 They must come within the three-miles' limit?—It is in your power to limit the net. We consider it would be desirable to limit it to what the active drift net fishermen feel they could work usefully so as to prevent any of those developments taking place which may wipe the industry out of their hands altogether.

2773 And when we are asked by your trustees or anybody to come down and consider it we will consider it, and at the same time we could consider the—its possible the use of nets on the whole of the Greenacres from the source to the sea, to prevent anything of that sort developing?—You see the Greenacres is not fished with nets now, though it used to be in years past, and here is the inconvenience now. Of course, to draw the river with a net we should have the consent of the other side. We could not draw it without being on both banks; the river is narrow; and then we should come to an agreement with Mr. Pomeroy to divide the spoil, so to speak, and that makes it so very difficult. In a year like this, when you can get nothing by the net fishing, and tenants have an expensive connection with it and have to pay their interest on their loan, and that sort of thing, I am really inclined to think that it would be very proper that they could draw the pools so that they could get as many fish as would give them something for their year's expenditure.

2774 You think that would be a fair pull on the river, to go and net it now to pay your interest?—Well, I think it would be, if we could come to an agreement with Mr. Pomeroy.

2775 That would be the beginning of the end?—I am giving the danger signal.

Dr. Malagoff.

It would lead to poaching.

Mr. Guyan.

2776 It would lead to complete extermination of the salmon?—The owners of the river could do it. It is legal.

Mr. Green.

2777 Of course it is legal?—Then there would be the question of the fish to be taken, going to spawn or going to sea, and the result of all these things, you know, depends largely on experience; and you know the importance of trust in the people. If you have not the people with you in any undertaking like that you cannot succeed.

2778 There is no doubt about it that a properly preserved river like that would be worth more for angling than others?—We could get easily £200 a year for our portion of it, and perhaps two or three times as much. It is quite marvellous, the demand that exists for angling and sporting.

Mr. Guyan.

2779 I dare say you would get a good deal more?—I think so.

Chairman.

2780 You have given us a great deal of valuable information about this, and I am very much obliged to you?—I am pleased to hear that Mr. Cannon would be disposed to have an inquiry.

Chairman.

Of course, if you asked for it.

Mr. Green.

2781 If any responsible individual asked me to bear evidence connected with what they considered necessary in the way of making a by-law, we would come down and hold an inquiry and make the by-law if we considered that the evidence that we got justified it.

(Canon McFadden.—It was suggested to me by some friends of mine. I am much obliged to the Committee for the patience with which they have listened to me.)

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Mr. James MacDermid, examined.

[GLENNIE.]

Chairman.

2782. Where do you live?—About a mile and a-half from here, on the bank of the river, in Kilmorie, on the Tredennock estate.

2783. You are one of the purchasing tenants on the Tredennock estate?—Yes.

2784. You are one of the forty referred to by Canon MacFadden?—Yes, sir, I am.

2785. You heard what Canon MacFadden has told us with regard to the negotiations?—Yes. That is all correct.

2786. Have you anything to add now to what Canon MacFadden has told us, for we would like to hear what your ideas are or anything further that you have to say?—Well, I suppose all I could say with regard to it would be something about the preservation of the river, and there are two points that I would advert to. In the first place, Canon MacFadden spoke about nets, and in the course of my life I have had some experience with regard to that. I remember about thirty years ago being living on the sea-side where I saw salmon fishing going on with nets, and the nets at that time I found were from 100 to 150 fathoms in length, and I asked a fisherman a few days ago what was the length of the nets used now, and he said 2,000 yards, but that they lose two-thirds in the bang. And I asked him did they shoot that net when they were out fishing, and he said they merely shoot the half of it unless it would be a very fair tide to shoot them in, but that is a very considerable advance, from 150 fathoms thirty years ago to 2,000 yards. I think it would be possible to limit the drift nets in that way. The other point is with regard to the preservation of the fish at the spawning season. I lived for a time at the head waters of the Owenduff, and I can't speak as to how they get on there now, but I say that at that time they actually killed every salmon that was upon the place (it is not much larger than a brook), and they went out with a little net and set it before them. That is thirty years ago, and I can't tell whether the same practice is carried on now or not, but they actually swept the whole river. Upon that part of the river bounding the Tredennock estate a number of the fish spawn there also, and they are entirely undisturbed. There is no poaching at the spawning season or destruction in any way, but the great run of fish is up these small streams and towards the head waters of the river.

2787. In the direction of the head waters?—In the direction of the head waters of the Owenduff, and in a lot of these head waters they fish. They are magnificent for trout. The trout do not die down at the pretty flooded part of the river at all, but they all push up and go forward into Lough Ean.

2788. The sea trout?—Yes, and I think the trout fishing should enhance the value of the river up there.

Mr. Gwynn.

2789. The sea-trout fishing?—Yes.

Chairman.

2790. And if that were made a source of revenue the people about the head waters would be interested in protecting the river?—Yes, I think they should, and I think many a man would fancy the trout fishing on the lakes of Desford.

Dr. Mahaffy.

2791. You say there is a little lake at the head?—Yes, there is a little lake.

2792. Is there a boat on it?—Oh, it is a small lake. They can fish from the bank. Some people come there.

2793. Is that lake very deep?—I think it is not deep. The shores appear shallow.

2794. Do you say they are not interfered with?—I do, and I have known men to go there with a little boat and to carry the boat up and fish. I have known them to come from Stralme.

Chairman.

2795. Are you aware whether any move has ever been made against those people, or to make anything out of them?—I don't think so.

2796. It is free now to anyone to fish?—It is.

2797. But you think that there could be a development there?—Oh, I think so. I think the most natural development would be if the hotels were to take it.

Dr. Mahaffy.

2798. Certainly, but it is high up. Would not a hotel at Fintona pay better than a hotel there?—A hotel at Fintona would not touch this at all. It goes up away five or six miles.

2799. I suppose the brown trout are small?—Oh, small, yes.

2800. Are there many big poach?—Near the lower end of it there there is a few good pools where salmon lie.

2801. And by that means the people of the head waters might get an interest in looking after the river at its head?—I think so.

2802. And you say that thirty years ago all the salmon at one place there used to be killed, and nevertheless there were more salmon in the river than there are now?—I attribute that to the short nets they used at that time.

2803. So do I. The nets make a difference?—Yes.

Mr. James MacDermid, examined.

Chairman.

2804. Are you also a tenant of the Tredennock estate?—Yes.

2805. And you are one of the forty whose land abuts on the river?—Yes.

2806. Have you anything now that you can tell us that would give us additional information to that which we have had from Canon MacFadden?—Well, I can add little. I consider that the deep-sea fishing has injured the Owenduff river very much. I can speak of a decrease of twenty or thirty per cent. in the fish for the last twenty years or less.

2807. Are you a fisherman yourself?—No, but I live on the banks of the river, and I remember twenty years ago a man who was living there used to net a little place on the river during the season, two or three times, perhaps, or four, and he used to net about twenty or thirty and up to seventy fish in that little place, and for the last twenty years I can certify there were not three fish in that at any time together, and the cause of the decrease of the fish has been the deep-sea netting outside.

2808. I am afraid that the destruction of the spawning fish years ago, mentioned by Mr. James MacFadden, would have had something to do with it?—

Chairman—continued.

But the catching of 20,000 salmon outside would naturally account for the decrease. I know there was destruction of spawning fish, but I think that would not account for it.

2809. You still think that the destruction of fish outside has much to do with the scarcity of fish in the river?—Yes, I do, and I can give you an instance of it. Some years ago I was on the estate with the fishermen for a few days, and every single fish they caught was marked with the mesh of the net that they escaped from outside—every single one, and they are present here from Arranmore to Malin Head, and the catches that they make are simply enormous.

Dr. Mahaffy.

2810. They will kill all the fish, and then they won't be able to do anything else. They will kill their own trade?—That is so.

Chairman.

2811. Is there anything else you would like to tell us?—I think the Commissioners should preserve the fish a little better than they are doing, by appointing some more bailiffs.

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Mr. JOHN MACDONALD—continued.

[GLENNES.

Mr. Gwynn.

2812. You think your part of the river has not been poached?—Oh, yes, it has, several parts.

2813. With nets?—With nets, and it has got great opposition in some places. The party on the opposite bank is getting less.

Chairman.

2814. Then you cannot work it properly till you get the opposite side to join with you?—It would be a great relief to us if we had them to join with us.

Mr. Green.

2815. Are they in a humour for joining with you?—Oh, I am sure they would if the thing was settled.

Mr. Gwynn.

2816. Supposing that for the two banks here you were to get £250 or £300 a year, for the right of fishing from this down to Ardara, would not that pay the value of the holdings along the banks?—Witness—The annuities?

2817. No, the rates?—The rates—it would, almost.
2818. It would help towards the annuities—it would help towards the annuities—Well, I think so.

Chairman.

2824. Where do you live?—On the estuary of the Queen's river.

2825. How are you interested in this matter?—I am a tenant's son.

2826. You have heard the evidence that has been given here. Would you now give us any further information that occurs to you with reference to this question, in your own way?—Well, I will make a statement in order that the Committee may understand the position that I am taking in this matter. Early in 1906 there was an arrangement made, or negotiations were opened between the Marquis Conyngham and his tenants in view of a sale. The majority of the tenants seemed willing to buy the whole estate without any sporting rights or fishing rights at all, but the tenants whose land bordered the estuary refused till they would get the full rights, the sporting rights and the fishing rights. Notwithstanding this, in November of the same year a sale was prepared, and the tenants whose land abutted on the estuary were not then included, for they would not buy unless the sporting rights were given, and this was not done. The sale was postponed, and the tenants of the land along the estuary were all the time to pay the full rent to Lord Conyngham's agent, and the others to pay half-yearly instalments of 34 per cent. to Lord Conyngham's agent. When the Land Act of 1909 passed into law those tenants whose land bordered the estuary made application to the Congested Districts Board urging the Board to buy the sporting rights and any other rights connected with the river, and they made a similar application since, but the Board has not as yet bought. On the other part of the estate the tenant farmers made another application to the Board, and they broke up the sale too, and thus there were two applications from the same estate; and that is the way the matter stands. Then the fishermen who fished along the estuary were themselves the tenants of the lands bordering the estuary, and these men refused to fish actually when they would not get the sporting rights, and they stopped fishing. That was in 1909. They fished none in 1910, or this year, 1911, and that is three years.

Dr. Mahaffy.

2827. And did nobody else fish?—Nobody else fished.

Mr. Green.

2819. Is there any arrangement at all in reference to the nets working in the estuary?—No, they have not fished these two years in the estuary.

2820. But there must be some arrangement, it cannot go on like that for ever?—Oh, yes, the tenants are keeping the agitation up, and stopping this, because they want this river. Well, they term it sporting rights, and they want it thrown in with the harguin in one, and therefore they have this agitation, and they have no fishing in the estuary, and they are approaching the water boards to make them give up their ponds, and so forth.

2821. Now, *Cassus MacFadden*.—There is just one word I wish to say, which is suggested by Mr. MacDonnell's remarks. I would be strongly in favour of having an *ombudsman* appointed over the water boards instead of a local man. Local men think that if they proceed against a man they become informers, and it is not a popular thing, and they do not like that.

Chairman.

2822. I think we all agree with that.

2823. Now, *Cassus MacFadden*.—Merely give them decent salaries. Get two or three good men, giving them decent salaries, outsiders that would not be influenced by local prejudices of any kind.

Dr. Mahaffy—continued.

2828. That is very good for the river?—No, not for the river, but for the rod fishing.

Chairman.

2829. There is no poaching?—There was none on the estuary. It was more on the river than on the estuary. There was no poaching on the river in the last two or three years till this dispute got up. There is a little on the estuary since the dispute began.

2830. You say, first of all, that the tenants of the estuary never agreed at the time the other tenants consented to a sale?—No; they would not agree to it, they always objected.

2831. Did they ever send a formal objection to the Estates Commissioners at that time?—No, not at that time; but they warned the other tenants not to include them in the sale, and took it for granted that they would not, and they never thought it till that sale was published in the papers, and they paid the half-yearly instalment of the loan to the agent of Lord Conyngham for a few years up to nine or ten months ago, and then they made an application to the Congested Districts Board. They think they would be better off if that Board bought and that they would get some advantages.

2832. How much of the Marquis Conyngham's estate would this special body of tenants represent altogether?—It is a very vast estate, 50 tenants.

2833. But they are the people who are fishing in this estuary?—Yes, they are the people that claim the estuary. They live on the estuary of the river.

2834. And it is on account of the fishing rights and the sporting rights that this difficulty has arisen?—Yes, they were claiming the sporting rights and the fishing rights, and they objected.

Dr. Mahaffy.

2835. Were the sporting rights or the fishing rights very valuable to them?—Yes, when they got them.

2836. Your father has a farm there?—Yes.

2837. What are those rights worth to you?—We are willing that the Congested Districts Board should buy the fishery and keep it for a few years till it is developed, and then hand it up to the tenants generally.

2838. I was speaking about the money value. You

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Mr. JOHN A. O'DONNELL—continued.

[Continued.]

Dr. Makoffy—continued.

live on the estuary? What is the fishing worth to you?—It is not worth anything to me now.

2838. Only prospectively?—Only prospectively. It is worth nothing at all to me now. The fishermen are leaving heavily on it, because every one of them was earning £6 in the season, and that means that they have lost a good deal by it.

2840. You say there is poaching. Do other people poach on it with nets?—If there is poaching it is by tenants on the other side.

2841. And they go out with nets?—Yes.

2842. And they take the fish that you ought to have taken?—Yes.

2843. I think you made a very bad business of it. You could have got your £6 or £7 each, and have made your settlement better in the end.

Mr. Guyan.

2844. I desecrate what you mean by fishing rights is the right to fish the estuary?—Yes, the whole benefit of the fishing on the northern bank of the estuary of the river.

2845. Would it be your view that the value of the fishing on the estuary ought to go only to the people who continued to fish there, or would you agree that it should be spread over the whole people who have land abutting on the river at any place?—Any person having land abutting on the river on the north side.

Mr. Green.

2846. If a boat went out to fish off the north bank for salmon would you then divide the profits of the take between all the tenants along the bank?—Witness—The tenants on the other side? Only on the north bank?

2847. Yes?—No; the tenants on the other side bought the land legally ten or eleven years ago without fishing rights, and they have no claim on the river at all or the channel at all. They have not any claim, they do not fish it, and they have never had a claim.

Dr. Makoffy.

2848. Why have they no claim?—The landlord sold his rights to Lord Conyngham several years ago.

Mr. Green.

2849. You want to have it this way, that the tenants who were on Lord Conyngham's property should have an exclusive right to the estuary?—Yes.

Dr. Makoffy.

2850. And the people on the other side should have no right to fish it at all?—None at all; if the Board buys Lord Conyngham's rights for these tenants I claim that they should have a full claim to the whole estuary.

2851. Who owns the other side?—I think a Mr. Stewart.

2852. Then Mr. Stewart's tenants have no right?—No right at all.

2853. And never had?—Never had.

2854. And never should have, according to you?—

They bought their land several years ago without fishing rights.

Mr. Guyan.

2855. Would you be inclined to agree to an arrangement under which the whole profits of the river, estuary fishing, net fishing and rod fishing, and the rest of it, would be divided up amongst all the tenants whose lands abut on the river, no matter what estate they belonged to—Tredennick or Stewart or Conyngham tenants?—I would not. Surely the tenants on the north bank should have a better claim.

2856. Supposing such an arrangement could be made, does that seem to you to be an arrangement that you would be inclined to enter into?—Well, it would be fair in one way but it would not in another way. Lord Conyngham's claim was far stronger than Tredennick's.

2857. And you say that they would do the same if Conyngham sold his rights to Tredennick?—Yes.

2858. And you say that they have purchased the place without fishing rights, and having purchased it without fishing rights they were bound by the contract and should make such arrangements afterwards as they should think best?—Yes.

2859. And they would do the same unquestionably with the estuary?—Yes.

2860. And, of course, it would never pay for several years after the Board bought the fishery and got it. Then, of course, they would administer it as they might think best for the benefit of all afterwards?—They might, sure.

Chairman.

Thank you. I think we have your evidence quite clearly. You have done it very well.

Mr. JOHN McNEILL, examined.

Chairman.

2861. What have you got to tell us?—I have nothing more to say. I do not fish with these gentlemen during the day, and I always remark that every pool is netted the night before. We hardly get anything out of that. The majority of the fish that we get out of it have the mark of the net.

2862. Has that occurred this year?—Yes, I saw it yesterday.

2863. We heard a short time ago that there is no net fishing in the estuary or in the river?—Well, that is the river.

Dr. Makoffy.

2864. It might be drift net fishing did it?—It might be drift net fishing. The track was on the fish yesterday.

Chairman.

2865. Have any fish been caught lately by rod?—We got two yesterday in one pool, and lost another in another pool.

Dr. Makoffy.

2866. On the fly?—On the fly.

Chairman.

2867. Had there been much fishing before that?—None at all this year except a few. The water was very low.

Dr. Makoffy.

2868. Did you see any trout?—Yes, but scarcely any.

Mr. Green.

2869. There is no doubt that netting is carried on occasionally now by poachers in the fresh water?—Yes.

The Committee adjourned.

EIGHTH PUBLIC SITTING.

THURSDAY, 20TH JULY, 1911.

AT 10 A.M.

At the Courthouse, Glenties.

PRESENT.

THE RIGHT HON. SIR DAVID HARRELL, K.C.S., K.C.V.O. (Chairman).

THE REV. JOHN FENELAND MAHAFFY, D.D., M.D., C.F.O.
MR. STEPHEN GUTHRIE, M.P.

MR. W. S. GREEN, C.B.

MR. R. H. LEE, Secretary.

MR. CHARLES FLATTERY, continued.

Chairman.

2870. You are the Secretary to the Conservators of this district, Mr. Flattery?—Yes, I am Secretary to the Board.

2871. The Board of Conservators?—The Board of Conservators, from MaEna Head to Roman Point.

2872. What do you call that district?—No. 14.

2873. Is there any local name attached to it, is it the Letterkenney District?—The Letterkenney District.

2874. Now, Mr. Flattery, how many rivers are contained in the area over which your Conservators preside?—Well, there are, I would say, about seven or eight rivers. There are the Banorone and the Lough, the Oweness and the Owtubuck, the Costello river and the Lennan, and the Lennan is a very important one. Then there are three rivers in connection with the Ballinase fishery, that is the Bodlin and two others, two smaller important rivers. Then we have the Gweedore and the Gladdagh water.

2875. Do you think you have given them all?—Well, I believe I have given the more important ones, anyway.

2876. I only want to know what are the rivers?—Those are the only rivers that I remember now, that I have given you, sir.

2877. How many Conservators are there in your district?—There are eighteen. There are nine of each kind.

2878. Elected?—Nine elected and nine ex-officio.

2879. You say there are nine elected?—Nine elected.

2880. Is that for the upper and lower waters, both?—For the upper and lower, both.

2881. How many ex-officio are there?—There are nine ex-officio members.

2882. What is the qualification for ex-officio membership?—He must be a magistrate, to begin with, and live in the district and have land abutting on the river, and pay a license.

2883. That is the qualification of an ex-officio member?—That is the whole and sole qualification.

2884. How are the elected members chosen?—They are elected by the licensees, by the number of licenses. They go by the number of licenses that are issued, and then they get these parties to vote for them.

2885. But there are upper and lower waters?—There are, certainly.

2886. I presume that for the upper waters the elections are the persons who take out a license for red and line?—Well, yes, generally. They must be, in fact. They are supposed to be that.

2887. Those are the elections for the upper waters?—Those are the elections for the upper waters.

2888. The Conservator is elected by the persons who have licenses for red and line?—Yes, sir.

2889. With regard to the estuary or tidal part of the river, how is he elected?—He is elected by the net owners.

2890. By the persons who take out licenses for net fishing?—For net fishing, yes.

2891. Of the nine, how many are elected for the upper and how many for the lower waters?—It is divided—three each, I understand.

Chairman—continued.

2892. Those each would not make nine?—In our case there are six for the sea.

2893. And three for the river?—And six for the river.

2894. That would be twelve, but you told me there were nine?—That is the total number, but how you divide them I could scarcely tell you at this moment.

2895. Will you tell me how many there are, because, first of all, you said there were nine, and now you say there are twelve?—There are twelve. There should have never been twelve, but there were three put off, and that is the cause of only nine.

2896. The numbers are fixed in Dublin?—The numbers that have been elected are fixed in Dublin.

2897. Of the elected Conservators, the numbers are fixed in Dublin for each district, is not that so?—That is so, sir.

2898. Did they change the numbers in Dublin, or how does it come that there were twelve at one time and only nine now?—There was a law suit in Dublin, and three of them were put off.

2899. But were the numbers changed officially?—That number ceased.

2900. Ceased to exist?—For a term of three years.

2901. Then it is for three years they are elected?—For three years they are elected, sir.

2902. When did an election take place?—Next year we will have an election, 1912.

2903. If it is every three years it must have taken place two years ago?—Two years ago.

2904. Will you tell me why the three were put off?—I can't go into the particulars at the present time.

Mr. Green.

2905. The election was bad?—The election was bad, null and void.

Chairman.

2906. But of the time now you say six are for the tidal waters and three for the upper?—That is right.

2907. Now, what is the income of the Conservators?—Almost £1,000 a year.

2908. How is it derived?—Principally derived from licenses.

2909. All from licenses?—From the issue of licenses, from the outside waters and from the inside.

2910. Are the fisheries valued by the Valuation Office?—Yes, they are, some of them.

2911. Do you derive a tax from the owners of those fisheries?—A very small tax.

2912. Do you derive anything?—We do.

2913. How much?—Well, it goes according to the valuation of the fishery.

2914. Surely you have your accounts, and can you not say how much?—£4 last year.

2915. Do you mean £4 in the whole district?—Yes.

2916. In the whole district?—In the whole district.

2917. Then in point of fact you derive nothing from the tax?—Very little.

2918. And you are not pursuing that?—No.

2919. Well, how did you spend the £1,000?—Well, the principal part of it, over £600, was paid to water bailiffs and myself and others.

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MR. CHARLES FRATTERY—continued.

[CONTINUED.]

Conservators—continued.

2920. And what because of the balance of £400?—The balance remains on hand, and which application may be made for the removal of obstructions and the like it is very seldom refused.

2921. What did you spend during last year on the removal of obstructions?—Well, about £30.

2922. Have you a large balance to credit at present?—We have about £400. Well, at present I think we have up to £500.

2923. What salaries do you pay your bailiffs as a rule?—We pay from £15 down to £2.

2924. And, of course, there are all local men?—All local men.

2925. Did it ever strike the Conservators, do you think, that if they got a stranger in the district and gave him a good salary, one stranger would be better than a great many local men?—Of course, it would strike me very forcibly.

2926. Was it ever suggested to, or discussed by the Conservators?—It was suggested on one or two occasions, but the thing fell through.

2927. Now, what value do the Conservators give as regards the fishing in the estuary or tidal waters?—Witness—What value?

2928. Yes, what do they do, do they see that no licensed persons do not fish?—Oh, certainly; there is very good protection given so far as one means go, and so far as we can get the bailiffs to work.

2929. Have you a boat anywhere?—We have no boat of our own.

2930. What do the bailiffs do when they want to go to sea?—We have this year a motor boat employed at one place.

2931. Where?—At Buxton Port, which protects the coast from Bloody Foreland down to Mallow Ness.

2932. What is she protecting the coast from?—From poaching, particularly in the weekly close time, and for the prevention of the fishermen keeping the nets in their boats during the weekly close time.

2933. Then it is really for the weekly close time that that boat is employed?—It is only for that time.

2934. Are there any illegal engines used on the coast?—Witness—Round the coast?

2935. Yes?—A good many. We have seized a few nets. At the present time there are two ones to be brought before the Court.

2936. But it is the coast I mean. I am speaking now of the estuaries, I am not speaking of the rivers?—Well, one of these has been on the coast.

2937. What was that engine?—It was a net.

2938. What sort?—Just a common drift net, a fixed net, a fixed engine.

2939. A drift not fixed?—A drift not fixed, with an anchor out a distance in the sea, and the other end of it attached to a rock.

2940. Is that a fairly common mode of poaching?—In certain bays it is. It can only act in certain bays.

2941. When did you have one of those nets seized before this particular one that you are speaking of now?—Well, almost every year there are three or four of these seized.

2942. Is it in one place in particular?—No, they have been seized round the coast.

2943. On what parts of the coast?—Well, there has been one seized not very far up the river here.

2944. Do you mean on the Greenhairs?—No, in the Greenhairs here.

2945. In the Greenhairs?—Yes, up here above.

2946. But that is not on the tidal waters. The tide does not come up as far as that?—But this other net that we have was got in a place about Crumvie Bay, down below Buxton, in the sea.

2947. In the sea?—Yes, and I have in my time seized five other nets in that place.

2948. What river runs into that particular place?—It is the Lough Swilly, no river. Well, there is a small little stream coming down. It is a quite dry stream, except when there is a flood or a little rain coming down the river.

2949. Do you, as Secretary, inspect the various parts of the Conservators' district yourself?—I do as well as I can.

2950. With what frequency?—I suppose once or twice a year.

2951. Do you come down here?—I do.

Chairman—continued.

2952. Have they had many prosecutions for these two rivers, the Owners and the Greenhairs?—A good many. We have already four cases pending, and two more to be disposed of for this very place we are sitting in.

2953. That is recently?—Recently.

2954. Have you had them frequently before these cases?—These have been very important cases disposed of by the London Company in the sale of fish. There was immature fish sent away here some time ago, and they were sent to Glasgow Market and seized there, and finally we got a conviction against them.

2955. Was the fish in the Glasgow Market fish that went from this station?—It was. It was reported to the Inspector in Glasgow, and he reported it to the Secretary of the London Company.

2956. Now, what are the illegal methods with which the Conservators of these rivers in your district have to deal?—Witness—The illegal?

2957. Yes. Is there poisoning of fish?—I don't understand.

2958. What are the methods by which the rivers in your Conservators' district are poisoned?—Oh, they are poisoned in a good many ways. They are poisoned by means of snares—dolls as they call them—and then they use gulls, and they use those nets. They have small nets that they draw the pool with, and take all that is in the river at that pool. I was going to say there was poisoning, but it is very little poisoning that is carried on in this district.

2959. Is there dynamite?—That is what I mean—by dynamite or the like.

2960. Dynamiting is not poisoning, though?—There is a great deal of flax water.

2961. Is there flax water used?—A great deal.

2962. Does that do injury?—It has done some injury.

2963. Have there been prosecutions for letting flax water go into the river?—I suppose I had twenty last year.

2964. Did you get convictions?—No, not in all cases, nor in half of the cases, and where I did get convictions they were not worth speaking of. I got disgusted in bringing up cases at Rathphoe.

2965. Did you direct the particular attention of the bailiffs to it—you know that it is only at one time of the year that the flax water is released—I know that, sir.

2966. Did you direct the particular attention of the bailiffs to it, and ask them to go round and see where the flax ponds are?—I do, and did.

2967. And to keep an eye on them and to be in wait and see who releases the flax water?—I have done that repeatedly.

2968. You have not done it successfully?—I could not get a conviction, but I don't look upon that as any great success.

2969. You say a good many of them failed?—A good many of them failed.

2970. I presume the magistrates required you to prove the actual letting off of the water?—That is just the point. They would want evidence of seeing the water being let off.

2971. They won't give you a conviction against the man upon whose land it is unless you can identify him with the letting off of the water?—They will not give a conviction where the water is seen running from the dam even into the river.

2972. Unless you prove the other point?—Unless we prove that we saw the dam being emptied.

2973. Consequently it is necessary that the bailiffs should be in wait for this?—It is.

2974. You say they are local men?—They are all local men.

2975. These dams are let off for the purpose, of course, of poisoning the fish and for gathering up the fish?—No, I won't say that. They let off the water irrespective of any injury that may be done.

2976. That may do no harm where it is if they let it alone?—That is the point, sir.

2977. But don't you know perfectly well, with your knowledge of the country, that there is always a time fixed by the young or old, or perhaps both, for the purpose of letting off the dam, and they go and snare the fish out of the river?—This was done very near my place at Letterkenney on two or three occasions.

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MR. CHARLES FLATTERY—continued.

[GLENNES.

Chairman—continued.

Dr. Molloy.

2978. Now, is not it well known in the neighbourhood when that is going to be done, and might not your bailiffs, if they were local men, know that?—They do know it, and they do their best, but when they leave, the parties that are watching them go and let off the dam in spite of them. You would require to have them remaining there and to keep the men continually watching.

2979. Well, one sound conviction or two secured by the bailiffs would have a great moral effect, but keeping a lot of cases for the sake of prosecutions, and having them dismissed or disposed of with very small nominal penalties has no very great moral effect at all?—No. That is my point. It has very little effect when there is a fine of one penny.

2980. How often do your Conservators meet?—About four times a year, and oftener if required.

2981. They come from distant parts?—Well, they do, principally. They are from the different parts of the district.

2982. But the distances are pretty long for some of them?—The distances are pretty long distances. One or two have to come up from Donegal all along the river there.

2983. Are their expenses paid?—No, they have to come on their own.

2984. What sort of attendance have you now, of those eighteen?—A fairly good attendance.

2985. How many would you have—would you have twelve always?—No, not the half of that.

2986. Or six?—We had three the last time.

2987. There is no quorum?—There is a quorum of three.

2988. Were they elected or were they ex-officio members?—Written.—The river?

2989. The three who attended—were they ex-officio, or were they elected?—Written.—The last day?

2990. Yes?—None of them were.

2991. They must have been one or the other?—They were the elected members that attended the last day.

2992. Upon the whole, are you satisfied with the protection that the Conservators give against poaching and illegal methods in their district?—Well, I believe it could be needed.

2993. How would you suggest?—Well, my suggestion would be to have less bailiffs, such as they are, and to pay a few independent men that would do the work better. Three, for instance, would be better on the river than five or six, if they were paid well.

2994. Who nominates these men—do you employ them or are they employed on the recommendation of the Conservators?—They are generally employed on the recommendation of the Conservators. My recommendation is also taken into account.

2995. And have you, as Secretary, put your views as to appointments before the Conservators from time to time?—Well, not in the open way in which I give them now. I have not directly brought them out in that way. I consider they are as good judges in this matter as I am.

2996. Well, you say they are only elected for a term of three years, and I presume you have been Secretary for many years?—I will shortly be twenty-one years.

2997. And you have a great deal of experience?—I think so.

2998. I should think that the expression of your opinion would be of value to the Conservators on this point?—I would much sooner have it that way, I tell you, if I could manage it. On the other hand, when you look into it, it is very hard to get confidential persons and men that you could place reliable confidence in.

2999. Not on £3 a year?—No, nor £5 a year.

3000. Would not it be better to have a really good man and give him £30 a year?—Yes, I should say £30 would attract a good man.

3001. And a stranger to the district that would not be afraid to do his duty?—Yes, but that would be another drawback, and you could not get a stranger to come and live in the country for £30.

3002. Well, give him more. You have £300 to credit at present?—The funds might not afford that.

3003. You have £300 to credit at present?—You know the district is a very large one, sir.

3004. I know it is?—And there is a good deal of protection required.

3005. You talk of the damage done by flax water?—I do, sir.

3006. Is not the damage done on the east side of the county at this moment much worse than on the west side—there is not much flax grown in this part of the county?—No, not about here.

3007. All these things are worse on the east side. When you get to the Finn, and that way, there would be flax, I think?—Where the flax water does the great mischief is between Letterkenny and Raphoe.

3008. And I suppose also down the Finn, down that way?—I don't think there is much damage done along there, none at all.

3009. Is not it the case that if the flax water is held up for a certain time it becomes far less poisonous?—If it was kept in the dam and the dam not let off it would do very little harm.

3010. Not let off at all?—Not let off at all, but even if it was not let off till a flood would come it would do very little harm.

3011. That is not my point. I understand that after a short time, when the water cools off, it is not anything like as poisonous as it was before. Is not that true?—That is true, sir.

3012. And therefore if you retain the water for a month or six weeks in the hole and save it and use it for manure, which is, of course, the right thing to do, it would not be so poisonous?—It would not.

3013. You seem to think that most of it is useless now?—They don't want to poison the fish, but they want to let the water off. They just want to let the water off.

3014. And they don't care what happens?—They care very little what happens; they want to get their object accomplished.

3015. What is their object—to get rid of the water?—They want the dam. Perhaps one man may have to put in flax twice, or his neighbour may have to put in flax there. There might be flax going six times into that one dam, and therefore the water has to be run off.

3016. They must have fresh water each time?—They must get fresh water.

3017. Were any of them ever known to use the flax water as manure?—Oh, yes, some of them turn it in on their own land.

3018. It is very valuable manure?—Well, it is fairly good. People thought it was better than it is. It is not looked upon now as being very good top-dressing.

3019. At any rate, it is better than nothing?—Oh, it is a good deal better than nothing.

3020. When you seize those drift nets that are staked out, what is the penalty?—A big penalty could not be less in some cases than £30.

3021. That would be the top penalty?—Yes.

3022. How much would they generally have to pay?—Well, the fine is put on. When there is a conviction for a fixed net the full penalty is put on, and then there is a memorial sent forward and it is reduced, perhaps, to a third or less.

3023. By whom, by Dublin Castle?—By the Lord Lieutenant, I understand.

3024. Now, I quite agree with you as to the salaries of the bailiffs being too small. They do not act as a bonus to a local man to spend more of his time on the river. You said to the Chairman that you had not yourself made strong representations on that point, that is, as to the smallness of the salaries and the number of the men, but you said it would be better to have a few with big salaries?—Yes.

3025. And you said you had not made a strong representation to that effect yet to the Conservators?—They have not come to that conclusion yet.

3026. And are you going to make such representations now?—Well, if your Board now directs me I will do so with pleasure.

Chairman.

3027. We have no power whatever to do so. We have power to ask your opinion, but not to teach you your business.

Dr. Molloy.

3028. We might say that it would be a good thing to represent?—If I got that on paper I will be very glad to lay your opinion before them.

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MR. CHARLES FLATTERY—continued.

[GLENVIEW.]

Mr. Guyan.

3029. Did you ever know of cases where the persons prosecuted for letting out flax water were magistrates themselves?—I don't rightly understand you.

3030. Did you ever know a case where the man prosecuted for letting flax water into the river was himself a magistrate?—Well, I have no recollection.

3031. You have no recollection of that?—No.

3032. Is the Finn river in your district?—No, it is not. I have nothing to do with the Finn, and I am not a bit sorry.

3033. And the rivers that are being spoiled by flax water are, I suppose, the Swilly and the Lennan?—It runs into the Swilly.

3034. I want to know which rivers in your district are damaged by flax water. There is the Lennan; that is damaged by flax water; is it not?—It is.

3035. And the Swilly?—And the Swilly; well, very little of the Swilly.

3036. Well, is there any other river but the Lennan that is being spoiled by flax water in your district?—The Lennan is the principal river, and the Lackagh. We had one case on the Lackagh river. We had a case or two there at one time, but very rarely. The Lennan is the principal river on which we have prosecutions for flax water, except small tributaries that run from Raphoe direction down into Lough Swilly. Those are all contaminated every year with flax water.

3037. And they are spawning streams?—It is a wonderful country for flax, and you could not keep the rivers free from it.

3038. And is there no flax water going into the Swilly river itself?—Very little, except a small portion above Letterkenney.

3039. Now, another thing. Do I understand you to say that east of the Bloody Foreland you have no one watching the weekly close time?—I have, sir. I am sorry I did not give you the full account of them. We have a boat at Ballinacree that is engaged to meet the motor boat at Bloody Foreland. That boat watches the Hare Head. I have another boat at Downings that watches from that to the lighthouse at Duncree. Well, I have another at a place called Salt Pass, below the town of Rathmullan, and that is supposed to watch out to the mouth of the river; and then we have a compact in a sort of a way with the Derry fishermen that they come up almost to the mouth of the Lough Swilly river. And that is the whole watching now. I have four boats, one at Downings.

3040. Now, can you tell me this. Had you ever a man on the river for a special case?—And I will just put the case of this river; there might be a special need for an extra watch to be made for a month or two months. Did your Commissioners ever send down a man with directions, or employ a man for a special need like that?—No, there is no man sent from Letterkenney to have with directions, but I have confidential billiffs, I think two good billiffs, at Burton Port, that watch the coast during the close season.

3041. I am not talking about the coast now. What I mean is this:—Supposing here on the Greenore a man on the river, a red and blue man, said to you: "There is a drought now, and there are a good many fish in the river, and we would like some extra help for watching the river just for the present time." Would your Board, for instance, authorize you to send out special help like that?—No; I have never done that.

3042. You never thought of the like?—Never thought of the like.

3043. Do you think, yourself, that is a reasonable thing to do?—I don't think it would be of very much use. In the first instance, if we sent down a man he might not know individuals about here. And another thing is that we pay a good sum to the billiffs along here. The Board think this river is sufficiently watched. If the men all do the work there is quite a sufficiency of billiffs attached to it.

3044. And you think all your rivers are sufficiently safe if the men do the work?—Fairly, but it would be better if things were managed in the way I told you. The billiffs are not well enough paid to induce them to work.

Mr. Green.

3045. There was some suggestion made here yesterday about a limit to the drift nets, about limiting the length of the drift nets that are used on the sea?—

Mr. Green—continued.

Yes; well, that is a thing that I would agree with also. I suggested that at one time to my Board, to limit them, four or five years ago, and I was overruled in the matter. There is no limit at present to these nets. They can have a net a mile long, or in fact three miles if they can manage it. There is no limit to them.

3046. And what is the view of your Board now, do you think, on the subject?—do they wish to have some limit put on the length, or do they wish to have it left open to anyone that likes to bring in five-mile nets here and fish?—Well, they have no power by law; it requires an Act of Parliament.

Chairman.

3047. Did you ever think of asking the authorities in Dublin to hold an inquiry?—No, the Board never made a special application to that effect.

Mr. Guyan.

3048. But did you ever ask the Board to consider the making of an application?—No.

Mr. Green.

3049. And do you think they would like to have a fixed length?—I believe they would. I believe a great many of them would. There are a good many of them interested in the fishing in the open sea.

3050. Now, tell me this. Is it because they are afraid that the limit that would be put on would make the nets too small?—I don't think it is.

3051. Because that is not our idea. Our idea is that some limit ought to be put on to prevent future developments that might be very injurious to fishermen all along the coast?—I don't think they would if they were left a reasonable length, we will say 400 yards or so, or between 300 and 400 yards.

3052. If you only gave them 400 yards they would not think that a reasonable thing?—But I would not give them 600 yards.

3053. We might take a different view about that, but at all events your Board have not considered the thing at all?—Not up to the present.

Chairman.

3054. Tell me, Mr. Flattery, is the license duty the same for a long net as for a short one?—The same thing. That comes under the same head.

3055. For a drift net?—For a drift net, no matter whether long or short.

3056. Each pays the same amount of license duty?—They pay 4s.

3057. Do you think it would have anything to do with it if a man had to pay for the license according to the length of his net, there being no limitation?—That would be a very good idea.

3058. Did you ever see two short nets added together?—Several times. They attach one to the other.

3059. Then do they pay a license for each?—No, they attach one to the other and they fish away with them.

3060. Then in point of fact three men might fish under one license in that way?—And I believe they do too.

3061. And I suppose you Commissioners are interested in putting a stop to that, for they lose two licenses in that way?—Well, it forms only the one net all the same.

3062. But it is three nets belonging to three different owners, that they have put together, and surely if that practice was adopted you could proceed against two of them?—No, sir, we could not. Under the Act of Parliament you could not make it out three different nets when they are attached together.

3063. If they were the property of three different owners?—Well, we could surely make that out. It is the net that is licensed, it is not the man.

3064. Now, Mr. Flattery, just another question. You know when I asked you about boats, you said you had only one motor boat?—That is all.

3065. I suppose that motor boat belongs to the Commissioners?—No.

3066. It does not?—It does not.

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MR. CHARLES FLATTERY—continued.

[GLENVIEW.]

Chairman—continued.

3067. You hire it?—We hire it.
 3068. For what length of time?—For two months.
 3069. Boat and crew and all?—Boat and crew and all.
 3070. And are the other boats that you speak of all hired too?—All hired also.
 3071. I suppose you have the whole time of the season?—Oh no, only just the weekly close time, two days in the week.
 3072. Have you the whole time during the weekly close time of those other four boats that you speak of?—Oh, we have not, sir.
 3073. Their service to you is quite casual, it is not regular?—They are supposed to watch during the time I told you.
 3074. Of course, they are supposed to watch the other fishermen?—The other fishermen.
 3075. Has it ever been ascertained whether they go out during the weekly close time and patrol the coast to see that the weekly close time is not broken?—Oh, they do.
 3076. They patrol?—They do patrol there.
 3077. Who inspects them?—In every case I have a special man in charge of them, that is, to supervise them.
 3078. In each boat?—Attached to each boat. He is not in the boat, but he lives on shore, and he goes to these different places, the landing places, and supervises the working of these boats.
 3079. I presume they are only employed for two months also?—For two months.
 3080. How much do you give them?—£10 we give, £10 each.
 3081. For the boats?—For the boats, and £65 for the motor boat.
 3082. Is the supervisor one of your bailiffs?—Well, he is, in a sort of way.
 3083. What do you give him?—£6.
 3084. For the two months?—For the two months.

Dr. Mahaffy.

3085. You mentioned the rivers that were much injured by the flax water as being the Lennan and the Lough?—Well, the Lough is not much troubled.
 3086. How could it be?—It is a very short river.
 3087. How could you poison the Lough with flax-water?—Well, there is a very large tributary there.
 3088. What tributary?—It comes down there.
 3089. From Glenveagh?—From Glenveagh.
 3090. There is no flax in that country at all?—Oh, yes, there is some there.
 3091. Very little?—Very little, that is the principal tributary.
 3092. From Glenveagh, but there is very little flax grown in that country?—Very little.
 3093. Well, now, about the Lennan, do not the great body of the fish come in so early on that river that they would be up in the high waters before any flax-water would be let off, and there is very little flax there?—A good deal of flax there this year and last year. There has been a good deal of flax last year along that portion that you are speaking of.

Dr. Mahaffy—continued.

3094. But the great body of fish that go up to Kilmashoge are all up there before the flax-water is let loose?—The flax-water ruins the fish about Kilmashoge. It is one of the worst places that I know of.

3095. Canon MacFadden.—Just a few words, gentlemen, making out of Mr. Flattery's evidence. Mr. Flattery seemed to suggest that the Owenmore river is sufficiently watched by the number of bailiffs. Now, there is no bailiff from this bridge here to the source of the river, that would be about eight miles, following the water-course. There is not a bailiff at all. Witness.—But is there not a good man at Kilmashoge?

3096. Canon MacFadden.—Mr. Weston is here, and the only station in his care is Kilmashoge. He lives two miles from the river. The other man is at Gorturk, but from that down to the bridge you have most of the bailiffs. One of them is at Ardara, McConn, and then you have the two O'Donnells watching the estuary. Now, I don't agree with you at all. Witness.—They are the very best watchmen that I could pick.

3097. Canon MacFadden.—I think the river is very insufficiently guarded. What I think is (let me give you my opinion) that these watchmen, these bailiffs at whom Mr. Flattery has such confidence, are most inefficient bailiffs, and I know, as a matter of fact, that they won't do their work. In the last couple of years, since we took some little interest in the preservation of the place, there was no prosecution, and there is no flax grown in this region at all, so damage by flax-water does not come into consideration here at all, and at Lough there is no flax grown on the borders of the lough, and if there is any flax grown in the direction of the river going down (the other river) from Gorturk way, that river empties itself into the Glen lough, and if there was any flax, which is a very doubtful thing, up the mountain, it empties itself into the lough. And I desire to make this observation, that I entirely agree with the suggestion of the secretary of the board that two efficient bailiffs would be worth all the bailiffs they have, with good wages, but Mr. Flattery might appoint bailiffs on the upper stretch above the bridge, and he said he would be very glad to send me a letter to appoint bailiffs, but we had no system of payment. We paid last year £7 each to four men. We are only able to pay one man this year, and he is supposed to work in unison with the constables' bailiffs. And there is a great deal of activity, but we owe that now to the police. The police have been more active and have succeeded better than the bailiffs, and, if I may tell you what the public opinion about the bailiffs is, it is that they are not only not watching, but that they have an absolute interest in the small nets used for looking into the pools.

Mr. O'neil.

3098. Now, Mr. Flattery, do you put on extra men at all during the spawning season?—No.

3099. You don't put on extra men?—No, we depend on the men that are there.

MR. BERNARD BOWEN, examined.

Chairman.

3100. What estate do you live on?—Deochary estate.
 3101. Who is or was the landlord?—Irwin.
 3102. You are one of the Irwin tenants?—Yes.
 3103. You are a tenant purchaser?—Yes.
 3104. What portion of the Irwin estate adjoining the river is your land?—Is it on the upper waters or on the lower?—It is on the lower waters.
 3105. That is the estuary?—Yes.

Mr. Gwynn.

3106. Are you below Deochary Bridge?—Yes.

Chairman.

3107. You are below Deochary Bridge, you say?—Yes.

Chairman—continued.

3108. Is your farm opposite to the Congruham estate?—Yes.

3109. That is on the other side of the river?—On the other side.

3110. Well, what are you doing with regard to your fishing rights? Were the fishing rights on the Irwin estate given to the tenants? Did the tenants get the fishing rights? Did they get the spawning rights?—They did.

3111. You need not be afraid of answering me. You need not be thinking so long. I am not going to do you any harm?—Oh, no.

3112. Well, have the tenants made any use of the spawning rights—the Irwin tenants?—They have.

3113. What have they done?—A man comes there to the station every year to shoot.

3114. They let the shooting?—Yes.

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Mr. BERNARD BOKAN—continued.

[GLENNES.

Chairman—continued.

3115. And how does the man that comes to the mountain pay—does he pay so much a head?—No; he pays so much for the mountain.

3116. Do the whole of the tenants get a proportion?—They do. They have a committee of the money.

3117. And it is divided amongst them?—And the river is the same way.

3118. And the river, you say, is the same way? Now, who are the members of the committee?—There are two men on each townland.

3119. From each townland?—Yes.

3120. Who is the chairman of that committee?—P. H. O'Donnell, of Doohary.

3121. Is he a tenant purchaser?—He is.

3122. Now, is the money divided according to the valuation of the different tenants? Is the money divided according to the sums paid by the tenant purchasers? Does every tenant on the estate get the same sum?—No.

3123. You said it was in proportion?—They get it according to the rate is laid on them.

3124. How much do you get?—The rent is paid every half-year.

3125. What amount of money do you get from this committee?

Dr. Mahaffy.

3126. Do you get £5?—No, I do not.

3127. Do you get £3?—No.

3128. £3?—Well, about that.

Chairman.

3129. You get about £2?—Yes.*

3130. How much do you pay in the year as rent?—I pay about £15 10s. now.

3131. And how much do you pay in the way of rates?—About 5s.

3132. That is 17s. 10d. altogether?—Yes.

3133. And you get £2 from the sporting rights?—Yes.

3134. So that really you are making a good share of money by that, for you are sitting rent free and rates free, and have something more in your pocket. Is not that so?

Dr. Mahaffy.

3135. How much of it is for fish?—It is all put together.

3136. You don't know how much is for fish and how much is for shooting?—No, I do not.

3137. Do the people coming on the river pay so much a day?—Yes.

3138. Five shillings a day?—I don't know how much they pay. They have paid it themselves.

3139. That is on the estuary?—Yes.

3140. But up in the river is not there rod fishing?—There is.

3141. And the people come and pay for the right of fishing?—They do.

3142. And that goes to be divided amongst you?—It is all put together.

Mr. Green.

3143. Are you one of the men that have got a net on the estuary?—No, I have not fished any myself.

3144. Have some of the Irwin tenants nets?—No, they have not.

3145. Who is it nets the estuary. Was not there some law case about it, and did you ever hear of it?—I did, but that is all done away with now.

Mr. PATRICK LORR, examined.

Chairman.

3176. Where do you live?—Doohary Bridge.

3177. And on what property do you live?—It belonged to Mr. Irwin formerly, but it belongs to the tenants now.

3178. You are on the same estate as the last witness?—Yes, the same.

3179. And you, I suppose, share in the same arrangement that he has described to us?—Well, I don't share at all.

Mr. Green—continued.

3146. Is all the netting done away with there? Have not the tenants got the right now to net?

Mr. Gwynn.

3147. Is not P. H. O'Donnell netting it?—Yes.

3148. Is not it for the tenants he is netting it?—It is.

3149. And who is working the nets—who goes out in the boat?—There is a lot of men for that, paid so much a day.

3150. And are not they some of the tenants?—They are.

Mr. Green.

3151. And do you get any share of that money that is got for the fish that is caught by O'Donnell?—Yes, I get my share of the money, and the men are paid out of it.

3152. You live on the salt water part?—Yes.

3153. Do you get any value or any share out of the fresh water part? Do you get any share of the money?—Yes, that is all put together.

3154. All put together?—Yes.

Mr. Gwynn.

3155. Has any man rented the river in the fresh water part, now?—No.

3156. Had anyone it taken last year?—I think they had.

3157. Did you hear what they were paying for it?—I could not say.

3158. Tell me, now, this. Don't the fish go up to spawn above Lough Barra?—They do.

3159. Well, is that little river above Lough Barra outside of the Irwin property?—No, it is not.

3160. Does the Irwin property go away up to the top, right into Glengough, there?—No, it does not go; only into Lough Barra.

3161. Do you know a man called McHugh that lives up on Lough Barra?—I know him.

3162. Is he one of the Irwin tenants?—No, he is not.

3163. Was he paid to watch that upper water by the Irwin tenants?—I could not say whether he was or not.

3164. Did you ever hear of any man being paid by the Irwin tenants, that was not one of themselves, to watch?—No, I did not. I could not rightly tell you who is watching for them.

3165. Is Mr. O'Donnell not coming here to-day?—I don't know.

Mr. Green.

3166. Is there only one net used on the salt water part of the Greenluna?—I think there are two or three.

3167. Is there anyone fishing on the opposite side to you?—There is.

3168. How many boats are fishing from the south side?—One.

Mr. Gwynn.

3169. And they are not fishing for you, are they?—No, they are not.

3170. Well, are you making any objection to them fishing; did they get leave to fish?—Aye, they got leave to fish.

3171. And you have nothing to say against it?—No.

Chairman.

3172. Think you. I hope that you will always have a good share of these sporting rights. You are doing very well as it is, and I hope it will increase and be better.

* See page 102, q. 3331.

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Mr. PATRICK LOUGHE—continued.

[GLENTERRA.]

Chairman—continued.

3180. Then you are not in the arrangement for this at all?—No, sir, I am not.

3181. You are Mr. Irwin's bailliff?—No, for the Board of Conservators.

3182. What portion of the river or estuary are you charged with?—I am charged with the whole of the Gweebarra from the bar mouth on to above Lough Barra.

3183. And how many bailliffs are there with you?—There are two on Lough Barra and there are two in Port Bally, that is 500, and there are two in Old Bally, and one down the tide-way.

3184. What length of the river or estuary do you watch personally? How much of it have you charge of yourself?—I have charge of the whole river, I am the head water bailliff.

3185. You are in charge?—Yes.

3186. What is your salary?—I only get £40.

3187. For your whole time?—Well, I don't give them any whole time. I am not supposed to give any whole time.

Dr. Molloy.

3188. You could not?—No, I could not.

Chairman.

3189. Have you much difficulty on that river?—No, not at present, sir.

3190. Is it poached?—Not very much, sir.

3191. In what way is it poached when it is poached?—Oh, just there are odd bang nets, sometimes.

3192. Any poisoning?—No, sir, none.

3193. Are there any spawning beds in this portion of the river that you are watching?—Yes, sir.

3194. Are they disturbed?—No, sir, they are not.

3195. Were they always free from disturbance?—They never were disturbed.

3196. Are there upper reaches or tributaries beyond your charge?—No, none.

3197. Do the salmon go up beyond you to spawn?—No, only where I have charge of.

3198. Only where you have charge of?—That is all.

3199. Then it is your statement that the spawning fish are not disturbed at all?—No, they are not disturbed at all of late.

3200. What do you mean by "of late"?—Well, Lough Mayo and Lough Connolly used to be. There used to be some poaching going on at the spawning season, but that is partly done away with altogether now.

3201. Can you account for the better state of things? Is it due to the fact of the Irwin tenants getting the sporting rights?—Well, I am not sure about the sporting rights. They have the tidal portion. I don't know about the fresh water portion.

3202. Is the fresh water portion worth anything? Is it fished at all?—Oh, yes, it is, for the red fishing.

3203. Is it let?—I don't think it is, sir. I did not hear of it. I see some gentlemen fishing with Mr. O'Donnell, and I don't know whether he has it let to them or not.

3204. Mr. O'Donnell is president of the committee?—Of the committee, yes.

Dr. Molloy.

3205. Can't you get a day's fishing on the river from Mr. O'Donnell?—Yes, I believe so.

3206. What would you pay for it—five shillings?—I could not exactly tell you.

3207. Is not there a little inn there, a little house on that river where you could sleep?—Yes, there is, at Doohary.

3208. And people go there and fish?—Yes.

3209. Do you have Father Von Flaisy?—Yes, he stops with Mr. Manus O'Donnell, on the south side of the bridge.

Mr. MANUS O'DONNELL, examined.

Chairman.

3210. Where do you live?—I live at Doohary Bridge.

3211. On what estate do you live?—On the Marquis Conyngham's.

Dr. Molloy—continued.

3212. He pays so much a day for it?—No, he pays nothing.

3213. Lucky man. But people do go there and stay some place about there when they do fish?—Yes.

3214. And the river is well stocked of late, you say, and not disturbed at all, and it will be getting better and better?—It is not disturbed at all.

3215. How many fish would you get there in a day?—Some days you would get two or three salmon.

3216. Are there plenty of sea trout?—Oh, yes. Well, the sea trout are very stiff in taking. You might get half a dozen, from that to a dozen some days.

3217. Do they go up as far as Lough Barra?—Yes, they do.

3218. Is there a boat there?—Yes.

3219. Is there good fishing there?—Oh, yes, sir.

Mr. Gwynn.

3220. Did you ever know the river to be taken since the tenants got it?—It was taken there one year by Doctor Allen, I believe.

3221. You don't know what he paid?—No, I don't know.

3222. Now, you know that little piece of a river that comes down into Lough Barra from the mountain. Is that on the Irwin estate?—No, the north side of it belongs to Mrs. O'Dell, and the south side belongs to Captain Humphreys.

3223. Would the fish that went into Lough Barra ever go up above Lough Barra in the spawning season?—Yes, they could, to McElagh's.

3224. Who watches that bit of the river?—There are two water bailliffs employed by the Board of Conservators.

3225. But it has nothing to do with the Irwin tenants?—No.

3226. But are the tenants not watching the water themselves at all?—No, not now.

3227. Did they ever?—Well, I could not say what they did previously. I was in Scotland for a few years.

3228. If the tenants on the bank saw a man coming along to poach there would they interfere with him?—Well, I could not say what they might do. I don't see any man going there.

Mr. Green.

3229. Does the Irwin estate go up beyond Doohary Bridge?—Oh, yes, it goes up for five miles.

3230. Up to Lough Barra?—Up to the lough.

3231. On both sides of the river?—No, on one side—the north side.

3232. And who is it that has the land from Doohary Bridge on the north side?—The Marquis Conyngham had it to within a mile of the lough, and then Captain Humphreys had the other portion of it.

3233. And has he it now?—Captain Humphreys has the sporting rights of his own part.

3234. No sale has yet taken place to the tenants?—Yes, but he refused to give them the sporting rights.

Chairman.

3235. Captain Humphreys?—Captain Humphreys, yes.

Mr. Green.

3236. Have they appointed any Irwin tenants on this committee?—I don't think they are represented on the committee.

3237. They have a committee of their own?—No, I don't think so.

3238. And there is no committee on the south side of the Gweebarra at all?—No, none.

Chairman—continued.

3239. I believe that the Marquis Conyngham and you are still negotiating, and that the sale has not yet been made?—Yes, sir.

3240. The estate has not passed?—No, sir.

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MR. MARTIN O'DONNELL—continued.

[GREENFISH.

Chairman—continued

3241. You are in the upper portion?—Yes.

3242. And I believe that the Marquis in selling that portion gave the fishing rights to the tenants?—Yes, sir.

3243. What is the extent of that portion of the river—the upper portion—how many miles is it?—About five from my house.

3244. Up to where you meet Captain Humphrey's estate?—Yes, sir.

3245. What is being done with the fishing there at present?—Nothing at all, only anybody taking out a licence can go and fish.

3246. You don't prevent anyone from fishing?—No, indeed.

3247. Have the tenants ever consulted together or considered how they might make something out of this stretch of river by combining, though, of course, the estate has not yet passed?—No.

3248. But at the same time you all know that you will get the fishing rights?—Yes.

3249. Well, did you ever have any consultation, or did you ever consider the question of what you could make out of it, or how you could make anything out of it?—I have a red horse myself for the last four years, and I could make nothing at all of it.

3250. But don't the Irish tenants get something out of it on the other side?—They do. They have a committee and a man appointed there for watching it, and they let the river for five shillings a day to fishers, they tell me; but we do nothing.

3251. But, surely, the fishing from the other bank of the river, if you did the same as the Irish tenants, might be made equally valuable?—But we do nothing on our side.

3252. Are you a fisherman yourself?—Yes, sir.

3253. And take out a licence?—Yes.

3254. How did you do this year?—I did not get one at all.

3255. You had no fishing weather?—Very bad for fishing. It was too dry.

3256. Supposing that this estate passes, do you think that the tenants will neglect altogether the property that has been given to them in the way of fishing rights?—The tenants on the south side are not agreeing among themselves at all to do anything. We have one boat fishing.

3257. Is that boat fishing for its own interests?—Yes, for the fishers themselves.

3258. Then, there is no combination whatever?—No.

3259. And is there not likely to be any?—I don't know what they may do for the future.

3260. Have those tenants sporting rights?—They have.

3261. Are those rights worth anything?—Oh, yes, it is worth something.

3262. Some shooting?—Yes, some shooting, too.

3263. Is it being looked after at present?—Oh, it is.

3264. Has the Marquis any ballies on it at present, or game-watchers, for the purpose of preventing poaching?—Oh, I don't think so. The tenants themselves there watch their own.

3265. There is no combination there, either?—No.

3266. And I suppose that where the birds are plentiful the tenants upon whose lands they are are looking after them?—Oh, yes, they are.

3267. But on the rest of the estate it is going pretty well to the land?—Oh, yes, it is, indeed.

3268. And in a very short time I suppose the game will be stamped out?—Indeed, it is most likely it will.

3269. How long has the passing of this estate to the tenants been hanging fire?—Two years.

3270. And what are they trying to do now?—That I could not tell you.

3271. But surely you are a tenant, and you are paying 34 per cent?—Yes.

3272. And I suppose you are just as well off as if you were a tenant purchaser?—I don't know.

3273. But did you ever think that every time you pay that interest you are losing a year in becoming ultimately the owner of your property?—No.

3274. Did you ever think of that?—No.

3275. I suppose the end of the forty years is so far off that you think that a year or two does not make much difference?—That is so.

Chairman—continued

3276. Well, I think it does, and I think it is a pity that you are not pressing to get yourself in a proper position, somehow or other.

Dr. Mahaffy.

3277. You say there is no agreement at all among the Conyngham tenants about procuring the south side of the river?—No, none.

3278. Have they let the hog about?—Yes, they let the hog last year.

3279. It was let?—Yes.

3280. And what did they differ about, or what had they to fight about—what was the point of difference?—There was a man there, Dr. Williams, from Derry. He came there and was giving 7s. 6d. a brace to some of the tenants, and some of the tenants would not let him on the mountain at all. He was stopping in a lodge on the other side of the river.

3281. And he was giving 7s. 6d. a brace to the man on whose farms he shot the grouse?—Yes.

3282. And some others would not let him?—Yes, they would not let him travel on the grounds at all.

3283. So that holiday was stopped, was it, but the grouse is not worth more than 7s. 6d. a brace?—Indeed not.

3284. But they quarrelled about the fishing?—Oh, indeed they did, often.

3285. What was the point?—They want to put the south side off the river altogether and not to have a boat on it.

3286. On the estuary?—Yes.

3287. But up in the country where the grouse and that sort of game are, could not they let the south side co-operate with them, and why should they quarrel about that?—It was about the net fishing that they quarrelled.

3288. That was about the estuary fishing, because they wanted to have it for themselves, but could not they agree about the rod fishing?—No, they could not agree.

3289. Is there anybody there to persuade them?—No, no one.

3290. If Father MacFadden was up there he would make them agree.

Mr. Guyon.

3291. Don't you keep a hotel there?—A small little house.

3292. Would not it suit you, and would not it be of value for your hotel if you could get the taking of the fish, for instance, on the south side and be able to let it to people?—Oh yes, it would.

3293. Well, can't you get the tenants yourself to combine and agree to an arrangement like that?—Some of them would be prevented from fishing. Even I was prevented myself from fishing along the bank of the river.

3294. When you are talking about there being quarrelling about fishing on the estuary, that would be the Irish tenants quarrelling with the Conyngham tenants?—It would be the Docherty fishers quarrelling with the fishers on our side.

3295. Do you mean that the men on the north bank wants to have the whole rights?—The whole rights of it.

3296. And you think you should have a share of it, that we should work the tidal river too.

3297. Would your people be prepared on your side to go into an arrangement by which the whole rights of the river might be pooled and divided amongst the holders whose lands abut on each side of the river?—Oh, well, I don't know what the tenants might do, but I would be satisfied myself at it.

3298. To make some sort of an arrangement like that?—Yes.

3299. Are there not men fishing on the south side up there at Doohary Bridge?—Yes, there are four.

3300. But if they fished on the north side they would have to pay rent?—Oh, they don't fish on the north side. Everyone keeps his own side.

Chairman.

3301. Well Mr. O'Donnell you are strongly interested in this matter. Could you make any suggestion by which the present most unsatisfactory state of

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Mr. MARTIN O'DONNELL—continued.

[Glasgow.]

Chairman—continued.

things could be ended, or have you a notion in your mind of what you would do for that purpose, supposing your suggestions were to be adopted?—I think I would suggest that Canon MacFadden and Father Scanlan could do something in the matter to settle it. That is what I think, and that then things would be quiet and there would be peace on both sides.

3302. Has Father Scanlan ever made any attempt to do it?—No, none.

3303. I suppose what really happens is that you are not quite sure of the ground till the estate is sold. Is that it?—Very likely.

Chairman—continued.

3304. Is there any talk about the Congested Districts Board buying that estate?—Oh, I could not tell you indeed.

3305. Canon MacFadden.—I am well in touch with the condition of facts down there at Doocary.

Chairman.

3306. Perhaps if there are other witnesses to be examined we had better wait till they are all examined.

Mr. ANDREW BUCHANAN, examined.

Chairman.

3307. You are sub-agent of the Conyngnam estate?—Yes, sir.

3308. How long is it since the negotiations were commenced about the sale of the Conyngnam estate to the tenants?—Something over two or three years ago.

3309. Under the Act of 1903 you arrived at the stage of getting the parties to sign?—Yes, agreements were signed by the tenants' representatives and the agent for the landlord.

3310. We were told here yesterday that a section of the tenants gave warning to the rent that they were not to be included in the agreement. Did you hear anything of that at the time?—Not at the time.

3311. At any rate a portion of the tenants did not agree, or did not ask to have the sale made to them?—They all agreed at first as far as I can understand.

3312. But a section of them disagreed afterwards?—Afterwards, yes.

3313. Was it in consequence of the reservation by the Marquis of the fishing in the estuary, was that what the disagreement was about?—Yes, sir. They did not disagree at all at first, till afterwards when they heard that the Marquis gave the upper portion of the river to the tenants free, and then the others thought they should have the estuary on the lower portion also.

3314. At any rate that is the point at issue at present?—Yes, sir.

3315. And that has been so ever since?—Ever since.

3316. Of course, the time has gone past now, and now a new arrangement will have to be made?—I suppose so.

3317. What is being done at present?—Oh, the negotiations, I think, are being carried on at present with the Congested Districts Board.

Chairman—continued.

3318. We have heard that the tenants on the upper portion of the river who have the fishing rights are not doing anything with them?—I believe they are not. They are fishing it themselves.

3319. But they are not doing anything to make money by it?—No, sir.

3320. As regards the estuary, what is being done there?—It is lying there derelict for the last three years. Boatmen refuse to fish for the Marquis.

3321. Is it poached?—I believe it is.

3322. By whom, do you know?—Oh, by the people living convenient to it on both sides.

3323. What is the exact position now as regards the Marquis's rights as to the whole estuary?—The whole estuary altogether belongs to the Marquis. Formerly it belonged to Mr. Murray Stewart, and some years ago the Marquis bought out Mr. Stewart's rights so that he is sole owner of it now at present.

3324. For how many years did he exercise the sole rights of the fishing on the estuary?—For about 16 or 17 years.

3325. That is, within your knowledge?—Yes, sir.

3326. The Stewart estate was sold?—Yes, sir.

3327. In the sale of the Stewart estate was there any mention of the right to fish the estuary?—None whatever.

3328. The Irwin tenants, we are told, now believe that they have some rights in the fishing of the estuary?—They don't claim it, but I believe they say that if the tenants on the Marquis's estate get it they will fight for their share of it.

3329. And, as a matter of fact, now it is derelict by any person in authority and I suppose they are both poaching?—Likely so.

3330. And that is the state of the case at present?—Yes, sir.

VERY REV. CANON MACFADDEN, D.D., recalled.

Chairman.

3331. Now, Canon, I think we shall be very glad to hear you?—Well, with regard to the misunderstanding or friction that prevails at Doocary and on the fresh-water portion of the river, too, of course the south side belongs, I might say, exclusively to the Marquis Conyngnam and the other side belonged to a Mr. Irwin. He had no fishing rights on that water as far as I know, but the Irwin tenants took action to test their claim to fish on the river, and they were successful, as I think I mentioned in my direct evidence yesterday; but they succeeded eventually before the Court of Appeal in having the case reversed, and though they did not acquire a title they were saved from being fined for the fishing, and they have been prosecuting the fishing on that side ever since. When the Marquis Conyngnam entered into the agreement in 1903, when he handed over his claim to the fishing rights on the Greenbank, the people on this side began to use their rights, and they launched a boat on the tidal water on the principal fishing part of the river, just where the two waters meet, and it is the principal landing place and most convenient position. And then the boats when they started met with opposition from some people on the other side, for they believed, of course, and I dare say they were born free in their belief, that having defeated the Marquis

Chairman—continued.

Conyngnam in Court they had acquired the right to all the fishing on both sides of the river; and there was a great deal of boistering and all that; but it is wearing off, and I think they are quieting down; and there are two boats fishing on the north side of the river, while there is one boat fishing on this side of the river, and I have not heard of any row lately, and I hope there will be no more trouble of that kind. We are considering the whole question of the gaming and fishing rights on this river and on the whole estate, and we are trying to effect an arrangement by which the *status quo* will be the same as on the Irwin estate where they have succeeded so well; and of course that is strong evidence in favour of the view that when the tenants acquire the sporting rights those rights will be better watched than ever they were before and with better results. Father Scanlan told me not long ago that the people on the other side are not disposed to interfere with the people on this side, and the people on this side tell me that they are not disposed to interfere with the people on the other side, and what I want to suggest is that they should fish on alternate weeks or on alternate days, or in some way by which both sides will not be out together, and we may arrive at some arrangement of that kind. And then as to the fresh-water part of the river, a farmer

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VERY REV. JAMES CANON MACFADDEN, D.D.—continued.

[Continued.]

Chairman—continued.

up the river may have a good pool at the foot of his farm, and may wish to manage his farm with the rights of sporting and fishing on it, and that man does not like other men to come on his premises because he has a good cast off his own farm, but we hope to arrange all that. It is a new departure and things are not completed yet, and I am told that others, too, are interested in this thing; even the Bishop of the diocese is interested in having the difficulties about fishing rights settled, but he looks upon it as a difficult problem, and he regards the notion of the Tredanick estate as an ideal one, and he would like to see it copied all round. However, I find in the evidence to-day a reference to the pool that comes from the fishing and from everything else on the Irwin estate, and Mr. Bonar here gave evidence that he was getting £2 a year, but I don't think that he was likely to get that. I fancy being more eloquent in Irish than in English, he did not fully understand the extent of the question (Canon MacFadden here interpreted the witness, Bonar, in the Irish language). He tells me that 10s. 6d. is what he gets for his share of the pool.

Mr. Guyon.

That is what he says was his share of the rent.

Chairman.

What he said was that he paid altogether in rent and taxes 17s. 10d.

Dr. Mahaffy.

I took him down from £5 to £3 and £2, and he stopped at £2.

3333. Witness—I hope I have made the condition of things as regards the estate pretty clear. The whole matter is under consideration.

The Committee adjourned.

NINTH PUBLIC SITTING.

FRIDAY, 21st JULY, 1911.

AT 11 A.M.

At Kilmacrenan.

PRESENT:

THE RIGHT HON. SIR DAVID HARREL, K.C.B., D.O.O. (Chairman).

THE REV. JOHN PEREGRINE MAHAFFY, D.D., D.C., D.D., O.T.O.

MR. STEPHEN GWYN, M.P.

MR. W. S. GIBBS, C.P.

MR. R. H. LEE, Secretary.

MR. HUGH LAW, M.P., CHAIRMAN.

Chairman.

Chairman—continued.

3335. You are the Parliamentary representative of West Donegal?—That is so.

3336. And do you reside in the district you represent?—Yes.

3337. And you have property there?—Well, I have a little place there.

3338. Now, you are a fisherman and interested in fishing?—Yes.

3339. I understand you are particularly interested in a lake?—Yes, a lake called Sminagh.

3340. Is that altogether on your property or partly affected by your property?—No, it is not on my property at all. It belongs to Lady Stewart-Boss, of Aids, and I have taken a lease of it for a certain number of years.

3341. Have you a lease of the whole lake?—I have a lease of the whole lake.

Mr. Guyon.

3333. Does the you think we might ask Canon MacFadden to give some evidence as to what the people are making here by co-operative leasing of sporting rights generally, for I think that would be a good illustration of what could be done. (To Witness)—Are not they leasing the shooting co-operatively here?—No; we divide the estate into six sporting farms. It covers about 8,000 acres altogether of a shooting tract. It is a very sparsely populated place, over glens and mountains, and we divide it into six farms, and there are so many people living on each, and we desire to have local committees formed in each district who would let the shooting at that district to sportsmen who would take it for a season or for a year or for a number of years if they liked, and who would then divide the money among themselves.

3334. Have any of your sporting farms been let?—No, not yet, but individuals have allowed sportsmen to shoot over their own park, and they have been paid 7s. 6d. a brace.

Chairman.

Thank you very much, Canon MacFadden. You have given us great assistance, and you have wound up with an expression of hopefulness that we are very glad to find you entertain as to arrangements being made for the future.

Dr. Mahaffy.

I am very glad to hear that your Bishop is taking an interest in the thing, because he can do a great deal.

Canon MacFadden—I am very much obliged personally for your courtesy towards me, and I hope good will come from these proceedings.

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Mr. HUGH LAW, M.P.—continued.

[KILKENNY.]

Chairman—continued.

3347. Is there an outlet to the sea?—Yes, there is.
3348. Have you sea trout in the lake?—No sea trout. They never come up. I have thought of trying the experiment of putting some in, but I think they would rather have a difficulty in getting up the stream lower down, as there is a good deal of obstruction of sand, and so on.

3349. Are there sea trout in the stream lower down?—No.

3350. Then, in fact, there is no portion of the stream from the lake in which sea trout are found?—No. It is a very tiny stream. I think in time of flood sea trout might possibly get up.

3351. You never have salmon coming up?—No.

3352. What particular portion of the sea does this small stream run into?—It comes down into Marble Hill Bay, a little bay forming part of Sheephaven.

3353. Now you have interested yourself, I understand, in increasing the number of trout in this lake?—Yes, there were when I took the lake a few trout in it, but I think very, very few, and there were a good many char, but they were very hard to catch. There were very few of them, and there was practically no sport to be had in the lake. It may interest you to know that old people tell me that years ago there were good trout there; but at that time the lake was much more cultivated than it is now, and they used to keep the fish in the lake, and the man that worked the lake for me tells me that he remembers in his father's time they often used to find trout dead along the shore. But during my recollection there have been really no trout worth speaking of.

3354. Those were brown trout?—I think we may leave out of account any trout there before 1896. Then I put in, I think, about 5,000 rainbows, and they grew very fast. In the autumn of 1900 I tried it just to see, and got one about three quarters of a pound weight. They had been put in as fry a month old in the spring of 1896. In the following year, that was 1901, we got several, and I think the biggest was about two and a half pounds.

3355. How many years was that after?—Well, they were two years' old.

3356. It was the third year?—No, it was really the second year, and in fact it was rather less than two years, because they had been put in as fry in the spring, as well as I recollect, in March, 1899, and I am speaking now of June. Well, it would be just two years. That was June, 1901.

3357. So that evidently the place suited them?—It suited them. There is magnificent feeding.

3358. What as the bottom?—It varies. There is a portion of it gravelly and there is a portion of it boggy, and a portion of it sandy, but not very much.

3359. How have they progressed since?—Well, they have progressed out of my knowledge since, because they have disappeared altogether, which is rather, I think, a common experience with some. I think in the following year we got a few. A very fortunate sportsman got a seven-pounder once, and a few more fish were taken in the following year, but really, I think as far as I can recollect, since about 1901 we have not seen a trout, although I heard of one being caught of seven or eight pounds weight in a net round Fiskarragh.

Dr. McAffy.

3360. In the sea?—Yes. Whether it was one of nine or not I don't know, but it seems probable that it was.

Chairman.

3361. Have you any theory, supported by facts, as to how they disappear?—No, I really have not. Of course, we know that rainbow-trout are fish that will go to the sea if they can, and I put a grating on the outlet of the lake, but I got so tired of the brutes that I lifted it and let them go, and I was very glad to do that. They gave exceedingly good sport when one did get them, but they were unfit to eat. They were very poor eating though they appeared to be in magnificent condition.

3362. Are they a soft fish?—To eat, yes, soft, with a sort of muddy taste. Now, obviously that was the fault of the fish and not of the feeding, because the fish that we have had since in the lake are magnificent food.

Chairman—continued.

3363. There are no pike in this lake?—No.

3364. So that would not account for it?—I don't think so.

3365. Are the rainbow trout voracious, do they eat each other?—I don't really know. I really have no knowledge of that, I have no experience.

3366. At any rate the only solution of the question that you can find is that they went to sea?—They either went to sea or went to the bottom, but they have never been taken since, even with the spoon.

3367. Then you imagine that they may be there still, but that they won't rise?—Yes, I don't know what they are doing, but my impression is that they are gone.

3368. Then you had another try?—I had another try. When those failed I got a quantity of ova from a hatchery in Dunferm, a cross of *hermanni* and *fries*.

3369. How did this cross do?—It did very well, indeed.

Of course, they have not grown so fast as the rainbows did, but they have obtained a very satisfactory size, and they have given a very fair sport over time.

3370. And they have stayed with you?—They have stayed with me.

3371. How many years is it since you put those down?—I think, as far as I recollect, it must have been in the spring of 1903 when I put them in.

3372. Where do they spawn?—They spawn in the river.

3373. They go up the little tributary?—They go up the little tributary, yes. The rainbow trout, as far as I know, if they spawned at all must have spawned on the sandy coast of the lake itself, because we didn't see them go up.

3374. You did not see them going up?—No.

3375. But these present trout spawn in the stream?—They spawn in the stream, yes.

3376. Are they increasing?—I think they are, yes. On a still day there seems to be a tremendous quantity of fish in the lake.

3377. What size are they?—They vary. We are supposed to have a three quarter pound limit.

Dr. McAffy.

3378. Mirror limit?—Yes, to put everything back that is under three quarters of a pound; that is our rule, and we do get a very fair average over the limit. I got my man to give me the numbers of the scale in the last three years which may be of interest to you. I find that in 1905 we got 613 fish altogether, weighing 425 pounds. That was the best year we have had. In 1906 we got 804 fish weighing 379 pounds, and in 1910, 327 fish weighing 395 pounds.

Chairman.

3379. Now, Mr. Law, do you regard your experiment as one worth following in other lakes similarly circumstanced, with the view of creating a paying sport?—Oh, I do, certainly. I may say that I was rather fortunately situated in some ways. Owing to the fact that there had been nothing in the lake except, apparently, those few char, the fish food was increasing tremendously, and of course the fish benefited by it, and there is the fact that there were no pike in the lake and a large proportion of young fish.

3380. And I suppose, as you have not had the difficulty, you have not considered how people would get over the presence of pike in a lake of this sort?—No.

Dr. McAffy.

3381. There are very few pike in this country?—There are very few pike in this country, very few, indeed.

Chairman.

3382. But, of course, as a fisherman and sportsman you have considered the general question that we are here to inquire about. Are you a Conservator for this district?—No, I am not.

3383. But have you considered at all the question of how rivers may in future be governed or be managed in the case of the sale of estates where the fishing rights pass to the tenants?—No, I cannot say I have, the most interesting experiment I know in that direction is over at Glenfin, where you have been, and with which you are probably better acquainted than I am.

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MR. HOUGH LAW, &c.—continued.

[KILKENNY.]

Chairman—continued.

3284. We have had that fully at Glenties?—But I knew one or two similar ones, for instance, at Dooherry.

Mr. Green.

3285. We have had that too.

Chairman.

3286. On the whole, what we have heard at Glenties is not discouraging, but it demonstrated to everyone that without combination of the farmers in a common interest thing in the future will not run?—Oh, I think that must be evident. Even in the past, as we know, things never ran over well. Even with all the keeps in the world it is extremely difficult to protect the waters where fish spawn against the will of the people who are not really interested in the matter.

3287. Now, might one ask, in this process that you have carried on a very expensive one?—No. The original stocking with the fry in the case of the rainbow trout was expensive, because, in the first place, the fry cost twice as much, or more than twice as much as the eyed ova, in addition to the cost of hatching them by rail and by sea. In the case of the eyed ova it is by no means expensive, because we can get the eyed ova, ready to hatch out, in the course of a week or ten days, and they come by box by parcel post, and one has no trouble beyond simply laying the eggs down on a suitable place in the stream, and protecting them, perhaps, with a little wire netting, and from that there is no trouble, and they look after themselves.

3288. That is very interesting to know, because the establishment of a hatchery is regarded by some people with apprehension as not being paying at all, but you have found that this thing is paying?—It is certainly paying. I would not call it a hatchery. It is nothing so ambitious as a hatchery, which, except on a larger scale, would not be worth while; but there are several places, commercial hatcheries or fish farms, which will now supply trout and salmon ova, and there is really no trouble and practically no expense connected with laying them down. I think it is most encouraging. The advantage of using the eyed ova are these three. In the first place, it is obviously much less expensive, and secondly, it gives very much less trouble, and thirdly, as far as my experience goes, it is much surer. I may say that we have got a much larger percentage of young fish to maturity from the eyed ova than from the fry. We had considerable loss on the fry.

Dr. Mahaffy.

3289. These are a good many lakes in your neighbourhood where the same experiment might be tried?—Yes.

3290. One immediately above and one immediately below Cressough where it might be tried?—As a matter of fact, I did put some young fry into both of those lakes, but I could not tell you about the result, because I was content with my own lake. I went up for the fishing once or twice, but have been away from home so much that I have not had very much time.

3291. Is there anyone that lives at Cressough here that knows anything about those lakes?—I have heard that the people catch good trout there.

3292. They always did?—They always did, especially on the one immediately above Cressough. They always did, and I am told that they have done so in the last year or two.

3293. Are the shores of that lake on the side estate?—My own impression is that part of that is in Lord Leolin's estate.

3294. Both those proprietors have their fishing rights still?—Yes.

3295. And therefore would be inclined to protect them. Supposing, now, that those fishing rights were given up to the farmers who live around, and they became proprietors, then what chance would you have of your own lake from the people living round about you there?—I don't think there would be much difference.

3296. Supposing the fishing rights fell into the hands of those people what would happen then, have you any idea?—I don't think in any of these instances it would make very much difference. Of course, in the case of my own lake it is very strictly preserved. It would not make much difference in the case of the

Dr. Mahaffy—continued.

Cressough lakes. My own impression is, that there is not very much restriction on the fishing, and the chief limitation is one imposed by nature, that is, that the better lake is very difficult to get at from the shore, and there is a difficulty about getting a boat there, and so on.

3297. Those who live on the shore have not yet arrived at the idea of netting the lake and selling the fish?—No.

3298. You have such lakes about as Lough Feda and Lough Keel. Lough Feda has plenty of fish that give fairly good sport, but there are never any good trout in it (that I know from fifty years' experience)?—Yes.

3299. And I suppose the putting in of good trout there might make a difference in the fishing?—I should think it might, although on the general analogy—I don't know why it is, but it is not a common experience that you don't find salmon and good trout together in the same lake or in the same water?

3300. No, I should think the trout stop there, whereas the salmon don't go through the whole of the lake at all, but just knock the edge of the lake and go up. But did you ever think of putting down any food for the trout?—No; I really had no occasion to do it. I did, as a matter of fact, get some, I think, when I got these trout originally from the Solway Fishery. I believe I did get some boxes of various kinds of insects and beetles and things, but I really don't believe it was necessary, because I know the natural food in the lake is very good, and there are immense quantities of fresh-water shrimps and a very valuable little shell fish that we find in the fish when opened.

3301. What appearance have the fish, are they gold?—Oh, they vary very much. There are some golden fish in the lake, but the majority are rather of a silvery colour.

3302. Are they pink in the flesh?—Oh, yes.

3303. Don't you find a difference in the part of the lake that has a boggy bottom?—Yes.

3304. A material difference in the colour?—Yes, but there is not much of it.

3305. And you say they all spawn up this stream and not in the shallows and sandy places?—I have not seen any there.

3306. Because there are some lakes where they do?—Yes, and they might do so there, because there is at the outfall of the little river a considerable space of sandy ground, and one sees the fry always on the sands; but I think the fish always go up.

3307. Is it not your opinion that if all those lakes were properly stocked with trout, and provision made for people coming to fish, it would be of great value as a source of wealth to this country?—Yes.

3308. Fully as great as any salmon fishing?—Oh, certainly. For the past few years I have been in the habit of letting the fishing in Cressough lake. I was away so much, and strangers whom I did not know at all used to write to me for permission, and I began to find it rather a nuisance, so that I finally arranged that anyone should fish there on payment of a small sum each per day; and that brings in a very nice little income.

3309. And you don't let too many people fish in it?—It is limited by the fact that there are only three boats on the lake, and one boat I reserve for myself. Of course, it is only for a few months in the year.

3310. Of course, that shows what could be done on other lakes of the country?—Oh, certainly. I don't see any reason at all why that should not be done. Within any district there are a great many lakes.

3311. And if it fell into the hands of riparian tenants who were to become owners they might divide the profits?—They might, but I should think it might be better done by organisation through a committee acting together rather than by each man.

Mr. Guyra.

3312. Is it not the case that the country round Cressough is limestone?—Yes.

3313. So that I think you can hardly argue from your success in Cressough to what would happen if you put the same class of eyed ova in the other lakes as we know you put there?—I quite agree. I stated that I was in many ways exceptionally fortunate.

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MR. HUGH LAW, M.P.—continued.

[KILMACRAGHAN.]

Mr. Gwynn—continued.

3434. But, as a matter of fact, and as a matter of business, that lake should produce, and does produce quite a considerable little income, does it not?—Yes; being a leaseholder I have confidence in telling you. I think it has been producing on the average about £30 to £15 a year net.

3435. And I suppose the capital expenditure required to produce this supply of fish would not be very much?—No; if I had not made the original mistake of putting in the rainbows it would have been the very same as the cost of the eyed ova. The actual cost of the eyed ova I have forgotten now, but I think that cost me £10 or £12.

3436. That is to say, in your opinion there would be a reasonable chance for a sum of £10 or £20 of creating a fishery which might bring in annually a very handsome percentage on the outlay?—Certainly, in any reasonably good circumstances.

3437. As a business proposition?—Yes.

3438. And, of course, your fishing is rather typical, is it not, in this sense, that it is not a question of letting to an individual tenant, but it is a letting to people going into the neighbourhood for fishing, or both shooting and fishing?—That is so.

3439. So that in that sense it is a model of what might be done to increase the general attractiveness of the country to tourists?—Yes, I believe that might have been so if people had really gone on looking after the Creelagh lakes—

3440. Where fish naturally grow well?—But it was not worth my while really to bother about it.

3441. It might quite possibly be not worth while to put fish into Lough Fern, where they do not grow very well at any time, and, on the other hand, it might be very well to put fish into a place like Lough Keel, where they do naturally grow well?—Yes. Of course, one has a difficulty in the older fish which may not give the results hoped for.

3442. You say accurately that there was in your lake a very considerable number of large fish at a time when there was also a lot of the small fish?—Oh, yes, undoubtedly, there were the rainbows.

3443. And also large brown trout?—Oh, yes, there were some few.

3444. Still I remember quite well catching very large trout in the time when there were plenty of small ones also?—Yes.

3445. So that the natural increase more than covered the carnivorous propensities of the trout?—Yes. I think the big trout were a very small percentage at that time.

Dr. Makoffy.

3446. Had you the salmon fever?—No.

3447. That does not exist up there?—No, I never heard of it.

Mr. Green.

3448. Has any experiment such as the one that you have tried been made by anyone in this district?—

Mr. Green—continued.

I rather think Mrs. Adams has put a number of trout into Glenveagh. I have rather an impression that she put in some rainbows among others.

3449. And the salmon go up as that lake too?—Yes. I don't know whether you have had the evidence elsewhere, but I have been told in regard to the rainbows that in some lake that they drained off they found big lanky fish dead at the bottom in the mud.

3450. If I cannot get to the sea they must commit suicide?—I should think they probably did for want of suitable feeding. The one thing which seems clear is, that whether they get away to sea or not, they tend to disappear. Perhaps, when they cannot get to the sea, they die off after a few years.

Dr. Makoffy.

3451. In Glenveagh there is plenty of way down?—There is plenty of way down. But in Norway are there not land-locked sea trout?

Mr. Green.

3452. Yes, and land-locked salmon has been tried in Ireland here too. Of course, your lake now is in the very best time that it can be. Those trout have multiplied and grown to be a fair-sized trout now?—Yes.

3453. And did you ever think of this, that the history of that lake would be that they would go on multiplying and reducing in size till the lake got crowded with small trout?—Yes, that might happen.

3454. Of course, if they don't keep down the numbers that will happen?—Oh, yes, I don't think they at present show any sign of it.

3455. Scotland is in its prime now?—Yes. We have got brown trout there nearly seven pounds weight. That was some years ago, but another big fellow was brought to the landing net this year. Unhappily the net was too small for him and he was lost.

3456. There was no experiment like what you have tried, of a similar character, tried in any of the granite lakes that you know of?—I think Glenveagh is granite. Otherwise I don't know of any.

Mr. Gwynn.

3457. Is there a natural rise of the fly in your lake?—Yes, I think there is, but I don't know what became of it this year. We did not see any this year at all.

3458. What is the height of the lake above the sea, is it thirty feet?—I should think it was more. Oh, yes, I think it is more than thirty feet. It must be more than that.

Dr. Makoffy.

3459. The big trout with you, those seven-pound things, are they caught with the fly?—No, neither of these were. I don't think we have ever caught anything with the fly above three and a-half to four pounds.

MR. MICHAEL MCNEILS, continued.

Chairman.

3460. Mr. McNeils, where do you live?—I live at Glenties.

3461. In the town of Glenties?—In the town of Glenties.

3462. You, I think, either own, or lease, or rent some fishing?—My brother does.

3463. How do you become interested in this matter, are you a tenant having land on the banks of the river?—Well, we have land adjoining and abutting on the banks of the river on the Tredeannick estate. We are tenant purchasers.

3464. Are you one of the tenants who purchased on the Tredeannick estate?—Yes.

3465. Then you are one of those referred to by Canon MacFadden as having entered into this arrangement, you are one of the 40?—Yes.

3466. Well, you have not yet let your river this year?—We have only a lease of it from the late General Tredeannick.

Chairman—continued.

3467. Are you speaking now of the estuary?—Yes, of the Owenish.

3468. What do you wish to tell us?—The statement that I wish to make is pretty general. I cannot understand that there is any possibility of preserving the inland fisheries of Ireland, except one, namely, that when the tenants purchase their holdings either through the Irish Land Commission or Congested Districts Board, each individual tenant should share and participate in the benefits derived from the fishery and sporting rights. This would be the means and the only way of raising a general feeling against poaching. The idea of giving to each tenant owning land abutting the banks of the rivers seems to be absurd, and for the following reasons: First, the Congested Districts Board when buying the Tredeannick estate bought the entire estate at a fixed sum, and the tenants who did not own land abutting on the river became seceders for the entire portions, and conse-

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Mr. MICHAEL McNEILL—continued.

[KILPATRICK.]

Chairman—continued.

possibly should participate in the profits derived from the sporting rights. Secondly, in case the sporting rights of any estate purchased by the Congested Districts Board did not form an asset so securely, the Irish Land Commission or the Congested Districts Board would not possibly complete the purchase. Thirdly, when the tenants would all have a mutual interest vested in a committee they would take a greater part in preserving the sporting rights.

3449. Now, Mr. McNeill, I understand from your statement that it is your opinion that when an estate through which a river runs is purchased all the tenants of the estate, whether their holdings abut on the river or not, should participate in the profits of the river?—Certainly.

3450. Of course, you have an illustration close to Glenties of the pooling of sporting and fishing rights?—Yes.

3451. For the benefit of all the tenants on the estate?—Yes.

3452. But supposing there was no sporting rights, and fishing rights only, and that the tenants inland derived no benefit whatever from the fishing, do you think still that they ought to get a share of the profits of the fishing?—Yes.

3453. That is the arrangement that was made on the Tredeanuck estate?—Yes.

3454. And that arrangement you appear to object to?—Yes.

3455. That was a matter for the tenants themselves, though. The question of arrangement was not dictated by the Congested Districts Board?—Oh, it was.

3456. Not dictated by them?—Possibly not.

3457. What occurred there was that the landlord was paid a certain sum for the fishing rights by the Congested Districts Board?—What the tenants understood was that they bought the entire estate from General Tredeanuck at a fixed sum, including the sporting rights, and that for some reason or another they ceded the sporting rights, or sold them by lease to Canon MacFadden. That is the impression.

3458. I don't think that impression is very correct?—No, I don't think it is. I have learned so much.

3459. I want to correct you about it. The Congested Districts Board purchased the estate from General Tredeanuck?—Yes.

Chairman—continued.

3460. And they also purchased, entirely as a separate entity, the fishing rights?—Yes, as I heard.

3461. And for the fishing rights they paid a sum of £400?—£400, yes.

3462. You are aware of that?—Yes, I am quite aware of it.

3463. And then as regards those fishing rights, they were approached by Canon MacFadden, on behalf of the tenants, to pay £400 to the Board and become possessed of the rights?—The fishing rights on the Owenakey and Owenen rivers are a difficulty, inasmuch as there are three—

3464. Don't mind about that, but confine yourself to the Tredeanuck estate. You are one of the Tredeanuck tenants. That is your interest is it?—Yes.

3465. Canon MacFadden said that he would pay £400 on behalf of the tenants who bounded the river?—Yes.

3466. And that was done, and the tenants alerting on the river have pooled their rights, and the Congested Districts Board, provided the £400 was paid them, did not care who was in the pool. So now you have the rights of that. I don't know whether there is any other matter that you wish to speak of. There is another estate there where there are valuable shooting rights as well as valuable fishing rights?—Yes.

3467. And in that case the tenants on the whole estate have pooled, and you heard the evidence?—I did not hear all the evidence.

3468. Well, the evidence was given?—That is the Gweebarra river. I knew the district, and I know all about it. It has the Lwin estate on one side and the Margu Conyngham's estate on the other side.

Mr. Green.

3469. It was the Irwin tenants that contested it?—Witness—The Irwin tenants have contested the thing?

Chairman.

3470. They have contested the thing in litigation, and they have succeeded in litigation. Witness—And the other tenants when they purchase on the Margu Conyngham's estate want the same.

3471. They have not arrived at that?—Witness—That is a matter of litigation.

Mr. ABRAHAM MANNING, examined.

Chairman.

3472. You are agent of Lord Leitrim?—Yes.

3473. And you know the object with which this Committee is visiting this part of Donegal?—Yes.

3474. Now, will you tell me how Lord Leitrim is interested, and what you have to say and any suggestions you have to make with reference to our business here to-day, and just give it to us in your own words?—Yes. Well, first you want to know as regards Lord Leitrim's interest.

3475. Yes. Are you a Conservator for this district?—I am. To begin with, Lord Leitrim has all the waters on his estate reserved, all the fishing reserved.

3476. Has Lord Leitrim sold his estate or portion of it?—None of it.

3477. Well, he has reserved all the fishing on his estate?—Yes.

3478. There is no talk about sale of his estate, is there?—Well, there is talk for a long time. We cannot get the tenants to buy.

3479. Now, what rivers are on Lord Leitrim's estate?—You mean salmon rivers?

3480. Yes?—Then only the one. Well, I may mention two. One is the Lough, one side of the Lough. The other side belongs to Lady Stewart Barr, and it is the best, of course, and the Owenakey right on up to Glenties.

3481. Now, has Lord Leitrim the entire length of this river on one side, or do other properties come in above or below him?—Well, yes. I should say the entire length, because it belongs entirely to Lady Stewart Barr and Lord Leitrim, as a several fishery.

3482. Are there spawning tributaries higher up than the portion of the river which belongs to Lord Leitrim?—Yes; several run up into either side.

Chairman—continued.

3483. Do salmon spawn in the river Lord Leitrim possesses?—Yes.

3484. But they also go up to spawn, I believe?—As far as Glenties Castle and above Glenties Castle.

3485. Do those tributaries run through several properties?—Yes, they do.

3486. And, of course, Lord Leitrim is highly interested in the preservation of fish on those properties?—Yes.

3487. Have those properties been sold or are they in process of sale?—No, I don't think any of them are.

3488. Are the efforts of the Conservators successful in preserving the spawning fish going up into those tributaries?—Yes, fairly.

3489. They have succeeded fairly well?—Fairly well. I think that this compares very favourably with any fishery.

3490. As a matter of fact, are the spawning fish disturbed or killed?—Well, I have no ground for saying so. I think a little has been done possibly within the last couple of years where keepers charged among themselves—water-keepers.

3491. Water bailiffs?—Yes.

3492. How do you mean—those employed by the Conservators or those employed by the owners?—Employed by the Conservators.

3493. And why did the Conservators allow their bailiffs to charge?—Well, they took steps. To begin with, the cause of it was the loss of a keeper who had been in the employment of the Conservators for forty years or so. He died, and he was succeeded by his son, and the son did not agree as well as his father with his companions.

3494. He was too active?—I don't know whether he was too active or too active-minded, rather.

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MR. ARTHUR MANNING—continued.

[KILMAURBAN.]

Mr. Green.

3494. They took revenge, then, on one another by poaching salmon?—I don't know how it was, but I asked the young man, and he admitted that this thing took place, and I said—"Do you know the night it occurred?" "I do," he said. "And where were you that night?" said I, and he said—"Well, it happened not to be my night out, and if I had been out it would not have occurred."

3495. And you think he was not out officially that night?—Oh, he admitted he was not. He was not. They take their turn, I believe.

Chairman.

3496. Is this river of Lord Leitrim's let?—No.

3497. Does he fish it himself?—Well, he fishes it himself, and guests stopping at his hotel fish it.

Dr. Mahaffy.

3498. Rosaperman?—Rosaperman.

Chairman.

3499. Is there any portion of the river netted?—No. 3500. Is there any netting in the estuary?—It was netted up to about four or six or seven years ago, I could not exactly say. It was netted always regularly, but latterly the drift netting was telling so much upon the fish that we saw that there would be no sport if we did not stop it.

3501. You stopped the netting at the mouth of the river?—Stopped netting altogether for the sake of the sport.

3502. You have had experience of this river for a long time?—Yes, I had the management of it during the time it was netted for twelve years.

3503. Are the fish as numerous as they used to be, or is the fishing as good as the river as it used to be?—Well, I think it is, but it is due to stopping the net fishing. If the net fishing went on as it used to, I believe it would not be as good.

3504. To what is the decline attributable, so far as you know, Mr. Manning?—To the large quantity of salmon taken at sea.

3505. In the drift nets?—In the drift nets.

3506. As compared with formerly?—Yes.

3507. And you think that has more to do with it than the destruction of spawning fish?—Oh, yes, I think so.

3508. Upon what portion of the coast now is the drift net fishing carried on that interferes with your river?—Well, between Malin Head and Sheephaven, and then I should say round possibly as far as Greendee, round Horn Head.

3509. The drift net fishing in all that space, you think, affects your river?—Oh, yes, I think so.

3510. The Conservators, of course, licence these drift nets?—Oh, yes.

3511. And we were told over and over again that there is no limitation as to the length?—No.

3512. Do you think there should be?—Oh, I think so.

3513. What length would you say?—Well, I would say that a couple of hundred yards would be enough.

3514. Long enough?—Long enough. Of course, I have not much experience of this, but I know that with those enormous lengths that are used it is simply impossible for fish to escape.

3515. Well, they have now nets 1,000 yards long, and some of them 1,600?—Oh, yes, I believe so.

3516. Of course, the weekly close time is observed?—Yes.

3517. What do the Conservators do to secure that the weekly close time shall be observed?—Till the last couple of years we employed patrol steamers, and latterly, in the last two years, we employ a motor boat and local boats. My experience is that we are not doing as well as when we had the steamer. The small boats are not able to cope—

3518. The row-boats are not able?—No.

3519. What about the motor boat?—Of course, the motor boat cannot go all round the whole district of Loughkenitty, but on the portion that it is on, I believe they are coping more with the cones of poaching.

3520. You only hire the motor boat?—Yes, hire it for about six weeks.

Chairman—continued.

3521. At a lump sum?—At a lump sum.

3522. Are they under any obligation now to give their whole time or so many hours out of the twenty-four?—We put on a couple of keepers of our own.

3523. On the boat?—Oh, yes.

3524. And is there a keeper of your own in each one of the rowing boats?—Well, they are all our own keepers.

3525. They are all yours?—Yes.

3526. And they are only wanted in the weekly close time, is not that it?—Except to see that no one is fishing without a licence. Generally in the weekly close time. But unfortunately their boats are not able to go where those fishing boats go, and of course, as a rule, the keepers are not as good swimmers. We can't get them.

3527. They only go out in fine weather?—I am talking of my experience of Sheephaven and round Mullaghmore Head and Horn Head.

3528. Don't you think it is a very important matter for the business of the Conservators that they should have a fair income?—Yes, their funds are pretty plenty.

3529. If this drift net fishing in excess is the cause of ruining your river, of course that is a very important matter for angling interests and the fishing industry altogether?—It is.

Dr. Mahaffy.

3530. With regard to the net fishing in Lough Bay, do you remember that there was a law suit between the late Lord Leitrim and Mr. Stewart, of Horn Head?—I heard of it. It was before my time.

3531. There must be somebody who remembers it. It resulted in a very heavy fine on Mr. Stewart?—I beg your pardon; I remember it.

3532. Do you remember what kind of nets Mr. Stewart used then?—Bag nets. He had a licence to put on two nets at certain places, and he removed one to a different place where it was able to catch more fish, and that is what the late Earl took him up for.

3533. As a matter of fact, he carried off a great quantity of fish and damaged the Lough Bay fishery by striking the course of the salmon round Horn Head?—Yes.

3534. Rod fishing on the Lough Bay has not been as good of recent years as it used to be?—Well, after that law-suit we net fished it for some four or five years.

3535. With regard now to the sea trout, I have not fished it lately, but I hear the sea-trout fishing is nothing like as good as it used to be. Have you any reason to give for that?—No; it should be better.

3536. Glen Lough was rather a famous lake for sea trout, both ends of it?—Yes. It should be better, because I can tell that when we were netting salmon we got a good deal.

3537. That is some years ago, but since that have you heard of good sea trout fishing there?—Well, I never heard that it was either declining or improving. I may tell you that I am not a fisherman myself and have not any experience of that kind.

3538. It is said that the fish do not rise to the fly in June or July at all as well as they used?—I am not able to answer that.

Mr. Gayan.

3539. I understand you to suggest that the length of the drift net should be limited to 200 yards?—Well, about 200, two or three hundred yards.

3540. May I ask you, have you any practical experience of it?—Oh, no, I have not. I have said as to this gentleman.

3541. Do you know whether the drift net fishing is carried on inside Sheephaven Bay or outside in the free water?—Oh, it is outside, I should say. There is a limit. They cannot come in only a certain distance.

3542. I think you are wrong about that, but, as a matter of fact, would you agree with me that the drift net fishermen, generally speaking, fish outside the mouth of the Bay altogether, in the open sea practically?—Yes.

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MR. ABRAHAM MANNING—continued.

[SILVERMASTER.]

Mr. Gwynne—continued.

3343. And do you seriously suggest that the men should go and fish for salmon with a drift net 200 yards long in the broad Atlantic?—Well, I suggest that the nets should be shorter than they are, but I have no experience, I may tell you.

3344. But if I might say so, I think it is an unfortunate thing that in a matter like this, a suggestion should come from one of the Conservators which is wholly impracticable. Do you know the little in-posed for enclosed waters like the mouth of the Blackwater?—No, I do not, but I certainly say that there should be some limit.

3345. That is to say, that you would not like to see nets of 2,000 yards' length being fished?—No.

3346. There I should agree with you.

Mr. Green.

3347. Then none of Lord Leitrim's lands has been sold to tenants yet?—No.

DR. JOHN PATTERSON, examined.

Chairman.

3354. You are a medical doctor?—Yes.

3355. You are Chairman of the Board of Conservators of the Letterkenny District?—Yes.

3356. Are you a fisherman yourself?—Yes, I fish a lot.

3357. Now, you know the object with which we are here?—Yes.

3358. We would like to have from you any expression of opinion or any statement of facts that you think will bear upon our business here?—Yes. So far as riparian ownership is concerned, we cannot consider it, because there are no riparian proprietors on our river yet, though Sir Harry Stewart has sold his estate.

3359. You say that upon the river Lennan there are not any riparian owners?—Except that Sir Harry Stewart has sold his estate, but it may be a long time before the tenants would have vested rights. He has sold his sporting rights. His rights extend only about a mile up the river. With regard to an fishing, we have employed boats, as Mr. Manning told you, for years, and they did pretty well, but in spite of them we always found that there was illegal fishing going on on the coast, and we were only able to employ one steamer to patrol, and it is a large district. But we have now given it up and put on the motor boat and are employing local boats, and last year we had not any reports of illegal fishing—not much to speak of—but this year we have had distinct evidence of a good deal, even when we have the motor boat.

3360. Well, about breach of the law in the weekly close time?—Yes. I think it was Saturday evening last—Saturday night or Saturday evening—that there were twenty to thirty boats out certainly, and they made a good haul of fish, and the motor boat was out of gear it appears, but in any case it was not of any practical service. Whether they knew where it was going to be or not I don't know, but there was a lot of fish taken; and, speaking as one of the Conservators, I say that we are strongly of opinion that the Government might give us some help, and that they might very well supply motor boats here and there to the Conservator, who have very little to do and who might help a great deal in patrolling the coast, because we could not afford to do it of ourselves at all. We could not afford to put on a powerful steamer. And we also think that the police ought to give us more help. They do give us a good deal of help, but I think they might give us more. We have given them a number of free salmon licences in the hopes of encouraging them to help us, and so they do to a great extent, but I think they might do more. Well, there are several questions that your Secretary sent me to put before you, but a great many of them do not refer to the Lennan river at all.

3361. I do not want you to confine your observations to the Lennan river alone, but as Chairman of the Board of Conservators I want you to speak generally of the whole district over which your Conservators have jurisdiction?—Well, on the question as to the

Mr. Green—continued.

3362. So that the question is not pending that we are inquiring into?—Lord Leitrim is taking steps now to try to sell it to the Congested Districts Board.

3363. And have any binnies been made about sporting rights or anything of that sort?—Not yet.

Dr. Mahaffy.

3364. About those bag nets of Stewart, of Horn Head, does anyone know what area they covered—were they very bag nets?—

3365. Mr. Fitzgibbon—88 yards.

Mr. Green.

3366. Does not Lord Leitrim own part of the Lennan?—Yes; the estate lies along part of the Lennan, between the upper end of Lough Farn and right on a considerable distance up.

3367. Does Lord Leitrim claim fishing rights on the Lennan?—He never claimed the right, but he exercises the right.

Chairman—continued.

part that the Board of Conservators take in the preservation and development of the fishery, we would be quite disposed to spend a good deal of money in helping the riparian owners to preserve their rights if they once were acquired; and with regard to poaching, I think, really, that local men are, at all events, not very good. There are a good many of them that do their duty as well as they can, but they are not sufficient, and they are rather afraid. I should say; and I think in addition to having them we should employ perhaps every 15 or 16 or 20 miles an outsider and pay him a really good wage so that it would be worth his while to spend his whole time. For the amounts that we are paying our men they could not afford to spend their whole time, and they only give a certain proportion of their time for the money that we give them. But I think we could very well afford to employ outsiders. Some of these young men could do the whole river from Banlough to Garlton, and we could afford to give each £40 or £50 a year and make it worth his while.

3368. Are the attendances at your meetings pretty full?—Well, fairly.

3369. How many members have you at present?—Twelve. I am not alluding to the ex-officio members.

3370. We want ex-officio and all. There were twelve, and there was some difficulty about three of them, and you have now nine?—Nine, and we have really very few ex-officio members.

Dr. Mahaffy.

3371. The question is, how many attend?—I don't know that we would ever have an average of more than five or six attending.

Chairman.

3372. Well, the rest don't appear to take much interest in it?—Not much interest, not as much as they should, I think. Sir Harry Stewart, or at least his agent, did try the rainbow in the small lake of his, but they disappeared in some way.

Dr. Mahaffy.

3373. Where is that lake?—It is a little lake about a mile or a mile and a-half out of Banlough as you go by the lower road to Millford; and they were tried, and for a year or so they took and then ceased to take, and some people think they go to the bottom and become bottom feeders. We got a lot of small trout, just with red and line, five or six hundred, I should think, from the river Lennan itself, and we kept them in boxes and put them into that small lake, and they have increased in size enormously and grown very well, and Mr. Hamilton, who was agent or sub-agent for Sir Harry Stewart at the time, did it and it succeeded very well.

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Dr. JOHN PATTERSON—continued.

[KILMACRENNAN.]

Dr. Mahaffy—continued.

3576. Have you fished that lake lately?—Mr. Hamilton and his brother have fished it and got good results.

3579. Well, of course, no heavy trout will take in it, but it was a very cheap experiment, it cost very little?—It cost nothing at all, indeed.

3570. And there are two lakes that have been turned into fish lakes?—Yes.

3571. And what trout did they put in?—The Lennan trout caught in the Lennan. We caught them with the fy, and took them off the fly without hurting them, and put them into boxes floating in the water, and we kept them there till we had a certain number.

3572. Are there not many other lakes in this neighbourhood where that might be tried?—There are a good many. Of course, that lake is in connection with the sea, more or less. It is a long way down, but there is a small stream running out to sea.

3573. Do you know of sea trout ever coming up?—Oh, no.

3574. Could there be a way made for sea trout?—There could, except that there is a mill and a mill dam.

3575. A mill with a dam is a great difficulty. Is it not your opinion that if we had a number of these lakes with trout in them it would be a great source of wealth to the country?—Yes.

Dr. Mahaffy—continued.

3576. A great many people would come and hire a cottage by a lake of that kind?—Yes.

3577. And you have not thought of taking the big Lough Keel trout from the lake and putting them into the small lake?—No. I have been driving by these two lakes for thirty years or more, and I have never seen the break of a trout on either of them, and the tenants around told me there was no fish in them, and it was then Mr. Hamilton thought he would put in rainbows, and he got fry and put them in, and, as I said, they did very well. Well, no one had tried these lakes or fished them for a year after they put in the rainbow trout, and then some people who were living in the neighbourhood went out to try them, and in addition to getting rainbows they got some very large brown trout, up to two and three pounds, which had been in the lake all the time and never shown. Well, there must be a lot more of those brown trout yet. They do not seem to have done much harm to the small ones.

3578. Is there any method that you could suggest for the improvement of those lakes—is there any public body that could put one or something or other into those lakes?—I am sure we could not do it as a Board at all.

Mr. HENRY CORSEDAEN, continued.

Chairman.

Mr. Green.

3579. Where do you live, Mr. Corseaden?—Ranelagh.

3580. You are a Conservator?—No.

3581. Now, will you tell us what the state of affairs is on this pool that you manage at Ranelagh—are the fish increasing or decreasing?—Well, on regards the pool there, I do not see any change in them.

3582. I believe the pool has good years and bad years?—Yes.

3583. This has not been a good year, I take it?—No, sir, but we did not do badly there.

3584. When the water gets warm in the pool the fish go up?—No, they can't get up. They won't rise.

3585. They leave the pool if they can't?—Yes, if there is a flood on.

3586. And go up to the lake?—Yes.

3587. Now, you say that you think there is not much difference as far as you know?—No.

3588. Not much difference in the quantity of the fish?—In the quantity of fish in the pool.

3589. How is the pool fished, and by whom?—Sometimes by that gentleman and sometimes by Sir Harry.

3590. When is fishing it at present, or who fished it this year?—There was Mr. Cogger for two months, and then there was Mr. Scrimgeour after that again.

3591. Now, what is between the pool and the sea?—A short space of fresh water.

3592. What length?—It might be about 200 yards, or scarcely. At high spring tide it is within 100 yards of the pool.

3593. Do you think that the quantity of salmon coming up from the sea has increased or diminished, or has it been affected by these drift nets that we hear of?—The quantity of salmon coming up in the summer time is not the same as it was then.

3594. How many years ago?—Say ten or twelve years ago.

3595. Then, do you notice that the decrease in the number of salmon is caused by the increase in the number of drift nets?—Yes, sir.

3596. Do you believe that?—I do.

3597. How near are the drift net men working to the mouth of your river?—Oh, I suppose fifteen or twenty miles.

3598. Such a distance as that?—I suppose it is. I know they work from the mouth of the Lennan to the mouth of Lough Swilly.

3599. But at any rate the drift net men cannot come within a mile of the mouth of a river?—Oh, no.

3600. But you think they are fifteen or twenty miles off. Would you prevent them coming into Lough Swilly at all?—There are drift nets nearer again, but they are short ones, and they don't do the same harm as those outside are doing now.

3601. What length would the inside drift nets be?—I think about 300 yards.

3601. Working up into Lough Swilly?—Yes.

Chairman.

3602. I suppose your suggestion to us is to control the drift nets?—Well, the fish have decreased, as far as our knowledge goes, since the drift nets began outside.

Dr. Mahaffy.

3603. Now, with regard to that, you don't think there is any more poisoning of spawning fish at the head waters than ever there was?—No.

3604. And you know as well as I do that fifty years ago there were 100 people there for one that is there now?—Oh, yes.

3605. And there were tremendous quantities of idle poachers, and therefore there would hardly be such a quantity of fish poached at present?—No.

3606. And therefore it must be some mischief out at sea?—Yes.

3607. And now about the sea trout, has not the Lennan been getting a very fair supply?—Yes.

3608. And there used to be an excellent place for that in the rapids below the town?—Yes, sir.

3609. And is there not a marked decrease?—Yes.

3610. And have you any reason to give for that?—I can't exactly say. I know some, but I know it has greatly decreased.

3611. Where do these white trout spawn?—I think whatever comes in spawn somewhere in the river.

3612. Where?—They go up as far as Glisher and Polesnaish. Some come to Lough Fern.

3613. The supply of sea trout at Lough Fern is rather thin?—Yes.

3614. Whereas in the rapids below your town and in the fall I have caught a great many. Can you kill them there still?—Yes, but very few.

3615. And you have no reason to give why that should be so, and you don't know accurately where they spawn?—No, not accurately. I suppose there are a good many caught in the nets outside. There is trout netted now beyond Rathfriland.

3616. Trout ought with small meshes?—Yes.

Mr. Green.

3617. The drift nets don't catch white trout, sea trout?—No.

3618. So if they have decreased there must be some other cause. These small mesh nets were used long before?—No, I think not, not in the same place, anyhow.

3619. Have they given up these drift nets between Rathfriland and the mouth of the Lennan?—Yes, mostly.

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MR. ROBERT CORCORAN—continued.

[KILMACRENNAN.]

Mr. Gwynn.

3620. What sort of nets are those that they are killing trout with at Mackintosh?—I didn't see them at all, but they are a small mesh drift net.

3621. They haul these off the shore?—Yes.

3622. And they have licences for them?—Yes.

3623. Since when as the great decrease of white trout fishing in the pool at Hamilton?—Well, I suppose five or six years certainly. There is a great change.

3624. The last five or six years?—Yes.

3625. The last time I fished there were plenty?—There are not plenty now.

Chairman.

3626. Has the drift-netting outside in the sea destroyed the business of the drift net men inside of the Swills?—It has.

3627. That is, the 200 yards nets have now ceased to work?—Yes, or almost ceased.

3628. That is the strongest evidence that the outside drift net fishing has influenced the coming in of

Chairman—continued.

the salmon?—Yes; when I began to fish first there were sixteen or seventeen nets fishing below here just, and now I don't know if there have been any licences taken out this year at all. There might be one or two.

Mr. Gwynn.

3629. Would there be four men in a boat working those nets?—Yes.

3630. Did those men fish for the spring fish at all, or did they only fish for the summer fish?—Oh, they would be down some time about May.

3631. But you know the sea drift-net fishing does not begin till June?—Well, some of them began early if the season was early, and others of them did not.

3632. But there never was any drift-net fishing to your knowledge in the Swills for the real spring fish at all?—No, sir.

3633. They only began with the summer fish?—That is all.

Dr. PATTERSON, recalled.

Chairman.

3634. Dr. Patterson, you wanted to make some observations with reference to the close season?—Yes I have been trying for years to get the season altered, to commence on the 1st of January and to close on the 1st of October instead of February and November, that is, to make it commence and end a little sooner. There are a great many fish killed in this country which are fish ready for spawning and not fit to use.

3635. Have any representations been made to the Department?—Yes, we did make a suggestion to them, and they said it was a matter for consideration, but that there were so many rights to be considered that it would require a small Act of Parliament to have it done.

Mr. Gwynn.

3636. I think we passed an Act of Parliament with a clause put into it, which I remember interesting myself about, which gave you power to get a by-law made to open your river on the 1st of January and change the close time?—Well, it would not give us the power; it would give the power to the fishery authority in Dublin. We could only recommend it.

Mr. Gwynn—continued.

3637. Why did you say that a further Act of Parliament was necessary?—I did not know that this was done till you said it.

Chairman.

3638. Did you make any representation to the fishery authorities of the Department since that Act was passed?—Not since that Act was passed.

3639. Well, I think you should go about it?—I was not aware of that Act at all.

Mr. Green.

3640. The answer we gave you about this close time was the same stereotyped answer which we gave to all parties?—Exactly, no doubt.

3641. That we could not deal with it till an Act of Parliament was passed?—Yes.

3642. And that Act of Parliament was passed, and we have dealt with a large number of close seasons since then?—Yes.

3643. And if you apply now you will be dealt with in the same way?—Yes.

MR. PATRICK M'GETTIGAN, examined.

Chairman.

3644. Where do you live, Mr. M'Gettigan?—Screen.

3645. And on what property or in what district is Screen?—Lord Leitrim is the landlord. Screen is near Lough Keel.

3646. Now, are you a tenant farmer?—Yes.

3647. And Lord Leitrim has not sold his estate yet?—No.

3648. Does your farm adjoin the lake or a river?—It adjoins the lake.

3649. Lough Keel?—Lough Keel.

3650. Are the fishing rights reserved on Lough Keel?—Yes.

3651. By Lord Leitrim?—By Lord Leitrim.

3652. Are you a caretaker of his?—Yes.

3653. Now, have you anything to say with regard to that lake, or can you give us any suggestions or any assistance here?—Yes, I was bred up there as a boy, and I know all about it, and it was about the best lake in the county in my time, and the best trout, but it is reduced a great deal by not seeing to the facts and the points that should be.

3654. What are those facts and points?—Well, the facts are, there are rivers leaving Lough Keel, the Mulroy at Milford, and there were two fax mills quite near the lake, and now at the present time for those last few years those fax mills are all working entirely, and while they were working water was passing more, the stream was still used, the trout had a chance of working down; and then I found out that the trout were doing better at that time, but since the mill

Chairman—continued.

went off work the stream has been tightened down and not moved and it has destroyed all the fish, it has destroyed all the trout. The trout at the close season can pass down but never can get back. It is emptied out of the lake.

3655. There is a fixed obstacle to the trout coming up?—Right close to the lake, right at the water-mark.

3656. Then no trout can ever pass up to the lake?—No, once they pass down. The water is high behind them, so high that they can't get back.

3657. Is this done by design?—Yes.

3658. For what purpose?—The farmer there, his mind is that he does not care about destroying the fish, and won't allow the life of me to interfere, much the same as that it is on his property and we have no right.

3659. Do you mean this, that he raises this obstacle not for the purpose of any profit, or of getting the fish or anything to his own profit, but merely to prevent the fish coming up and going past him?—Merely to just destroy the fish, and at the same time he would put them down any time that he would see his chance, and give a chance to the others, because the fish are passing there. I can see them, but I can do nothing.

3660. They are passing down, they are not passing up?—No.

3661. But when they come down along there is he not able to catch them, and is not that the object?—Yes, down all along there.

3662. There should be some legal remedy for this. I am speaking under correction of anyone here who

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MR. PATRICK McGETTIGAN—continued.

[KILKERRAN.

Chairman—continued.

Mr. Green.

knows better, but I think you cannot put an insuperable obstacle on any running stream?—Oh, I would thank as myself.

Dr. Mahaffy.

3663. Suppose you back it up yourself, what remedy would he have against you?—Oh, he would not allow me. I don't want to commit myself.

MR. ABRAHAM MANNING, 1800 Bedford.

Dr. Mahaffy.

3667. Has he any legal right to put an obstacle there?—No. I went there with the Board's solicitor and Dr. Patterson about two months ago, and we examined the thing, and we brought the tenant there and asked him why he did this, and he said he wanted to restore his right to the water power, and Mr. Mullon asked him: "Are you aware that the sluice

3664. Is this thing an old mill dam?—It is a short distance from the mill.

3665. It was an old mill dam?—No.

3666. I thought you said it was connected with a mill?—But it is a sluice off the mill, on the edge of the water, it is a millrace. It was the river actually, and then he made a channel a distance up, taking the water aside for the mill, and still the old track in the glen, like, where the trout were always going, there is a certain amount of water still going through, and still young trout there.

Dr. Mahaffy—continued.

should be lifted on the Saturday and Sunday, and should be kept up? Did you ever do that?—"No," he said, "I keep it the same way, it is a fixture." We tried ourselves and we could not move it, and Mr. McGettigan then gave a writ to serve, and said Lord Lorton would take proceedings. And he is going to take proceedings.

MR. THOMAS HAYES, KESHID.

Chairman.

Chairman—continued.

3668. Now, you are a Justice of the Peace for the County Down?—Yes.

3669. And you reside at?—Carrigart.

3670. Are you a Conservative for the district?—I am.

3671. Are you an ex-officio Conservator?—No, I am an elected Conservator.

3672. I hope you are one of the four or five who attend frequently?—Well, I am.

3673. And I hope, also, that you regard the entire area of your district as interesting you, and that you are not applying yourself only to one river or place?—No. I regard the whole district as being my bath-wick.

3674. They told us at Glenties yesterday that sometimes they are rather neglected?—Well, I am afraid their representatives neglect them. I believe from that district there is only one man who attends, a man named O'Donnell.

Mr. Guyon.

3675. I think that was from Gweedahers. The Glenties people and they had no representatives?—No, I don't believe they have any. Mr. Pomeroy used to attend, and I think he had some interest on the Owen.

Chairman.

3676. Now, we shall be very glad to hear your opinion on your observations?—Well, with regard to the first question that the Secretary was kind enough to supply me with, we have not sufficient experience of the transfer of property to say yet what effect it would have on the fishing, or what should be done. My own opinion is that the tenants who have become proprietors ought to pool all their rights.

Mr. Green.

3677. Shooting rights included?—No, fishing rights. I am not dealing with the shooting rights at all. I am not thinking of the game.

Chairman.

3678. That is a different question?—Yes; but with regard to the fishing rights of the rivers, I think that they should be compelled to pool them.

Mr. Green.

3679. Is that the tenants on the whole estate or the tenants living on the bank of the river?—On the bank of the river only.

Chairman.

3680. Well, you recognize the importance of pooling their rights and preserving the fishing as a whole instead of having every man working the fishing for his own holding?—I do, and I think that they should be compelled by law to do so.

3681. And I presume that you are also of opinion that the neglect of only one mile of a river might nearly destroy the whole river?—Yes, that would be possible.

3682. And therefore you think that it is absolutely essential that they should pool?—Yes.

3683. Then, how do you think they could be compelled?—Well, I would have an Act of Parliament to compel them. It is done in other countries. It is done in Germany.

Dr. Mahaffy.

3684. It would be the first Act of a Home Rule Parliament?—Well, it should be, or probably if bond transfer goes on it should be a very immediate one of the Imperial Parliament.

Chairman.

3685. Some of us thought that that should have been introduced into the Land Acts long ago, but there were so many other things to be thought of that it was overlooked. Well now in addition to this expression of opinion, have you anything else, Mr. Hayes, that you would like to say?—My opinion is, too, that the netting of the freshwater portions of the rivers should be abolished altogether, because I think that from the point of view of the occupier at the future or the owner of the future, rod-fishing will be much more valuable.

3686. You think that a by-law should be made prohibiting netting altogether?—I do, for non-tidal waters.

Mr. Green.

3687. That should be done with regard to each particular river. You could not do it as a general thing?—It should apply to all salmon rivers.

3688. If your Board would ask us with regard to any particular river to do that, we would consider it. We have prohibited netting in a great many rivers all over Ireland, but we have never been asked to do it in Donegal?—I don't know that it is required in any river in this county. I don't know any river in this county where netting is going on.

Mr. Guyon.

3689. But you know the right of netting exists wherever there is ownership?—I do.

Mr. Green.

3690. A great many people when they find out that not the river?—I believe it is the people that have no ownership at present that net it.

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MR. THOMAS HAYES—continued.

[KILMACHERAN.]

Chairman.

3691. That is poaching?—Yes.

3692. Now, anything else, Mr. Hayes?—Well, then, in case that the rights were pooled I think that the rivers might be very much improved. There is a question in this list about how the fishing might be preserved, and the Boards of Conservators, I think, ought to have the power, clearly expressed, to make law in rivers for fish and to breed fish.

3693. To make law for spawning beds?—No; to make places for the fish to rest in, and thereby improve the rod fishing. I don't think any one part of the river should be allowed to be a bad spot in the river. Wherever you have stones thrown or rough gravel, I believe you will have always a salmon lie, and I think there are many places where a river could be improved by putting down these things.

3694. Anything else?—Then the rents coming for the various beats of the river should, I think, be sold by public auction, and that would certainly be a very great means of preventing poaching.

MR. M. A. MCCARTHY, examined.

Chairman.

3702. You live in Milford?—Yes.

3703. And I believe keep a hotel there?—Yes, I do.

3704. As a hotel keeper, you are very much interested in the fishing?—Very much, sir.

3705. Do you provide any fishing for your guests at the hotel?—Yes; I have an interest in Lough Keel, and one or two other little lakes near Milford—five lakes altogether.

3706. When guests come to your hotel do you provide fishing for them on those lakes?—Yes.

3707. Your guests that come over for the fishing, where do they come from?—From England principally, and a good many come from Dublin, too, but very few from Scotland.

3708. And have you beats on those lakes?—I have beats on those lakes.

3709. And your fishing is, I presume, by the day?—Yes, by the day.

3710. You supply the men?—I supply the men, yes.

3711. Is there a uniform rate for all the lakes?—Oh, there is no charge for the fishing at all.

3712. You don't charge for the fishing?—There is no charge for the fishing, I merely charge for the boat and the man. That is all.

3713. How many years have you had this arrangement going on?—Oh, since 1865—eight years.

3714. Well, all those lakes, of course, are more or less trout lakes?—They are all trout lakes, with the exception of Lough Fern. Of course, there were trout on Keel, and we used to get a number of sea trout, but since the trouble about the sluice has arisen there are none. There was one killed this year, a sea trout, in Keel.

3715. Now, have you any suggestion to make to us?—Well, with regard to the ownership of the fisheries, and the investing of the revenue arising from it, I would like to endorse all that Mr. Hayes said. The only thing I would say in addition to that is, that I think that when they got their fishing rights into their own hands they will have a very inflated idea of the value of them.

3716. Well, time will correct that?—Yes, of course, it will.

MR. JOHN O'GRADY, examined.

Chairman.

3724. Where do you live?—Lough Fern.

3725. Are you a tenant farmer?—Yes, I am.

3726. And have you an interest in the fishing of Lough Fern?—Yes, I have.

3727. In what way?—Well, the gentlemen coming about the place come to the house and stay in the house.

3728. Anglers stay at your house?—Yes, sir, they do.

3729. Do you supply boats?—Yes, I do, sir.

3730. Well now, what have you to say about this lake, have you any suggestions to make with regard

Chairman—continued.

3695. You mean the fishing rents?—The fishing rents which would come in. That would, in my opinion, make every owner of the river a river watchman, and would prevent poaching to a great extent.

3696. Well, is this in contemplation of the rights passing to the tenants?—Yes, most decidedly. I thought that was the object of the inquiry of the Committee.

3697. So it is. But you think the tenants ought to be compelled to pool their fishing rights?—I do.

3698. And that the rents of that portion of the river that belongs to them, which are to be pooled, should be put up for public auction?—Yes, each year, in beats. There is one point I should like to draw attention to, which bears on the evidence that has been given here, and that is, the point as to the meshes of those nets that are used in the Swilly, the inside nets for taking trout. I thought it was illegal to use a net under a 2½-inch mesh.

Chairman—continued.

3714. And in the meantime the river or lake, or whatever it may be, if it is not destroyed will be all right. It will come out right in the end?—Yes, quite so.

Dr. Mahaffy.

3715. This is a very serious thing, that an individual living at Lough Keel should spoil the fishing?—Really very serious.

3716. And to no great benefit of his own?—No. I may say that I think his idea is that probably Lord Lefflin and the gentlemen who are fishing the lake and myself would probably put our hands in our pockets and give him £100. He has asked for some such sum as that.

3717. He has no right to put down an obstruction?—No right at all.

3718. And there are legal proceedings being taken against him?—Yes; as a matter of fact, absolutely there are.

3719. You have, no doubt, never yet had time to try to put a new breed of trout into the lake?—Yes; last year we put 3,000 fry from the Barra into Keel, not into the lake, but into one feeder of the lake, and protected them there; and Mr. Gelligan considered it an excellent place for putting them in; that was in the month of April, and they are still alive and they have been lately seen there.

3720. Are there other lakes besides that that ought to be looked after?—Oh, they all should be looked after. We are going to stock about four or five of them this year.

Mr. Green.

3721. Do you know where it is that the trout run up to when they are spawning?—About three miles below Rathdown.

3722. That is within a mile of the Carragh river. Do you mean that the only place where a by-law exists enabling small mesh nets to be used in catching trout is within a mile of the Carragh river?—Oh, yes, they fish them off the shore beyond Rathdown.

3723. That is a great deal more than a mile?—It is three miles to Bonerans. I wish to add that I think Dr. Patterson made an excellent suggestion about having an overseer.

Chairman—continued.

to it?—We would like to have a new breed in it. We think it would do very much good.

3724. You think some improvement might be made in the breed of the sea trout?—Yes, sir, certainly.

3725. Have the trout deteriorated within your recollection, have they got worse?—No, they have not; only I think they have got a bit scarser.

3726. They are not so valuable?—No.

3727. Where do they spawn?—There are good gravelly beds along the shore in the lake, and up to the river as well, sir.

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Mr. JOHN O'GRADY—continued.

[KILMACHEAN.]

Chairman—continued.

3735. When you speak of the trout in this lake as being rather inferior, is it that they don't give sport or that they are bad when they are caught?—Oh, no, they are good.

3736. They are good food?—Oh, yes, they are good food, and they play well for their size.

3737. Then in what lies their inferiority, because I have been hearing that they are not good; but if trout give good sport and are good food, what else do you want, if you have plenty of them?—Well, gentlemen think them rather too small.

3738. Well, at any rate, you think that if there was a little new blood there it would do good?—I do, sir.

3739. And who should do that now?—Well, I think any of the anglers round the lake.

3740. You heard what Mr. Lee said, that it is not a very expensive process?—No, sir.

3741. Well, I suppose you will make some move in this direction?—Yes.

3742. Is there any other suggestion you wish to make?—Well, there is another river down here, and there are two carries in it, and whenever the water gets low the salmon are always in great danger of getting poached, because it is the most dangerous part of the river.

3743. Are they poached?—They have been.

Dr. Mahaffy.

3744. Where is that pool?—At Ballysore.

Chairman.

3745. What do you propose as to those carries?—One of them is rather high. In fact, the two would take to be seen to.

3746. Have you reported that to the Conservators?—No, but I wrote back to the clerk when I got the notice to come here.

3747. To what clerk?—To Mr. Lee, the Secretary at the Committee?—Yes.

3748. He has nothing to do with that. We have nothing to do with it. We have only to see what is the state of things. If there is an obstruction in the river, that is a matter for the Conservators. Have you reported this to them?—No, sir, not before.

3749. Then you ought to do so. Are you one of the bailiffs of the Conservators?—Yes, sir.

3750. Then you are in immediate touch with them, and you ought to mention this?—Yes.

Dr. Mahaffy.

3751. Would it not be worth while for three or four who live round Lough Fern to stick together and put up a net. It would cost hardly anything, and you could get it by parcel post. Would not that be a good thing to do?—Yes, sir, it would.

3752. Why don't you run to the occasion and put that in Lough Fern?—We intend to do it some day.

3753. But the thing is to do it soon. Some day means nothing at all. If you could get a better breed of trout into that lake it would be a very fine lake, and there never have been good trout in it in my memory?—It would.

Mr. Gwynn.

3754. Is it not the case, in your experience, that there is a great increase in the number of people coming here looking for fishing?—Yes.

3755. So that every new lake that is open is always of value to this country here?—Yes.

Mr. Gwynn—continued.

3756. Would you not say that there are as many people coming here for trout fishing as there are for salmon fishing?—Oh, yes, there are, rather more.

3757. So that trout fishing is a very valuable thing to this country if it is made the most of?—Yes, it really is, sir.

3758. Now, you know Lough Fern a long time, and I suppose you can remember a time when you would think it rare to see three boats on the lake?—Well, I do remember to see that.

3759. How many boats would there be on it now on a day in August?—I am really sure there would be up to sixteen.

3760. Would you agree with me that not more than twenty or thirty years ago it would be a rare thing to see more than two boats on it any day?—Yes. Well, about fifteen or sixteen years ago it would be.

3761. It would be rare to see a third boat?—Yes, to the best of my belief, it would.

Chairman.

3762. What basket would the sixteen boats now get amongst them?—Well, in the month of August generally it is supposed to be the best trout month.

3763. Well, how much would one boat get, or what would be the average basket of each boat of the sixteen?—Well, it might be about eight or ten each.

3764. Say ten trout. Of what size—would they be, three-quarters of a pound?—No, varying sizes.

Dr. Mahaffy.

3765. And bazeath?—No.

Chairman.

3766. Have you any limit at all?—Oh, no.

Mr. Gwynn.

3767. You were saying something about carries. Is there any Queen's Gap above Ballysore Bridge?—They do something to that.

3768. Is there any Queen's Gap in it? Is there any way for the fish to get through? Is there any way of passing the carry?—Oh, there is. (Several gentlemen—None whatever).

Mr. Gwynn.

3769. Can the fish get up from Ballysore Bridge to Lough Fern?—Not without a flood.

3770. A big flood?—Yes.

3771. How long would it be since a salmon was able to get up to Lough Fern—were any fish able to get up in June?—No, they were not.

3772. Or in July?—None this year.

3773. Or in May?—I think about the end of April would be about the time.

3774. So that it is three months, you say, since a salmon was able to get up?—Yes, this year.

3775. What is it that has stopped them? Is it those carries at Ballysore?—Yes.

3776. And the carry at Drummenagh?—Yes, that too.

3777. There is very good salmon fishing on the pool?—Yes.

3778. And the salmon fishing above Drummenagh Bridge is not so good?—Yes.

3779. What is the reason of that?—I think it is on account of the muddy bottom.

3780. Do you think the fish are able to get up freely enough when they get over the carry at Rambleton?—Oh, no, they would not.

3781. They would not?—Oh, no.

Mr. DAVID TAYLOR, examined.

Chairman.

3782. You reside here, Mr. Taylor?—Yes.

3783. You are interested in fishing?—Yes, I am.

3784. I mean, have you any connection with it in your business?—I put up guests for the fishing.

3785. And I presume you provide some fishing for them?—Yes, sir.

3786. You are interested in that way?—I am.

3787. On the lakes?—The lakes, and rivers as well.

3788. What lakes and what rivers?—Well, the lakes principally on Lord Leinster's estate here, Lough Fern.

Chairman—continued.

3789. You charge them for it a daily rate?—The fishing here is free fishing up to the present.

3790. Everyone has the right?—Yes, except on Lough Keel, which is a preserved place.

3791. Do you supply bait?—I do, sir. Of course, the boats are charged, yes.

3792. Of course, and the men?—Yes.

3793. And have you any suggestions now to make to us with regard to these things—you know the object of our inquiry?—If you kindly ask me any questions I will try to answer them.

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MR. DAVID TAYLOR—continued.

[KILMACRANAN.]

Chairman—continued.

3794. You will agree that the fishing on the lakes ought to be improved. That is the first thing?—I think it should be by stocking.

3795. Have you heard of anyone stocking the lakes?—Well, I have been thinking about it myself here.

3796. You say it is not a very expensive process after all?—Oh, it is not if three or four go about it.

3797. I suppose there are half-a-dozen about here that would join?—I dare say.

3798. That is one suggestion. Then I believe you have nothing to complain of in the way of poaching?—Well, not very much, except that in the spawning season it would be better to look over the smaller streams.

3799. You think the spawning fish are interfered with?—I think they are, especially in the small streams, for salmon as well as trout.

3800. Particularly in this area, where we hear of a number of streams in which there are obstructions, where the salmon are prevented from going up?—Oh, yes.

3801. This would be a fine industry, and one in which there would be a good deal of money if it was

Chairman—continued.

promoted and people would be induced to come?—Yes, numbers would stay.

3802. People come here at present?—Yes.

3803. In large numbers?—In large numbers.

3804. I presume they would come from the beginning of the season or after the season opens?—From March, I would say.

3805. From all parts of the United Kingdom?—Yes.

3806. I don't suppose you get many Scotchmen?—Well, mostly Englishmen, and sometimes visitors from other parts of Ireland.

Mr. Green.

3807. The lake suffers from having too many trout instead of too few, and the breed is not good enough, and there is no use in putting in a lot of new trout?—Well, the lake would require to be examined before you would stock there.

Mr. Green.

3808. In one way the change of breed might do some good.

MR. PATRICK COYLE, examined.

Chairman.

3809. Where do you live, Mr. Coyle?—Kilmacranan.

3810. What is your position now, exactly, and what interest do you take in fishing?—Well, I own some land along the river Lennan.

3811. Are you a fisherman yourself?—Yes.

3812. Have you the right of fishing in the river opposite to your land, or is it reserved?—It is reserved. I just take out a licence, and it is a free fishing river, the same way as anyone else.

3813. Have you any suggestions or opinion to give us?—I have. What I wanted to speak about was the rocks on the river Lennan about here, and I believe there are tons of fish destroyed in it every year whenever they are going up in the October season, and if there is such a thing as hurting salmon, there are tons of them hurt. It is really a pasture for the people to go to see them in the close months in that time of the year.

3814. And are they taken out?—Yes. You can watch them, and there are very high rocks in the river, and when the water is low I don't think a salmon can make the least effort to get up, the water is so low, but in the October time when they are going up—the time of spawning—I can see hundreds and hundreds of them that jump up against the rocks and they are thrown back, and you would see three or four of them lying on the bare rocks. When the water is very high there is a little place on the far bank where they make a great effort to swim up, but anybody at all can reach them with their hands.

3815. What is your proposal with regard to these rocks?—I think there ought to be some blasting done.

3816. What sort of rock is it, is it granite?—No, I don't think it is granite. It is a hard, black rock.

Chairman—continued.

The rocks are just right across the river from one bank to the other. It is a bad rock.

3817. Well, there has been a valuable suggestion made here that there is at least one thing that the Conservators might like to spend money on, and that is to fix beds in various parts of the river, and surely as well as spending money for the making of pools and reefs, they might also remove the rocks?—Yes, that is one place that well deserves to be attended to.

Dr. Mahaffy.

3818. You are talking of the Lennan?—Yes.

3819. Salmon fishing has been always free upon the Lennan?—Yes.

3820. To anyone with a licence?—Yes.

3821. It is only a question of who has a licence or who has not, and there are water bailiffs to see to that?—Yes.

3822. All the way up to Churchill?—Yes.

3823. They kill a good many fish up there?—Yes.

3824. And there is a suggestion that the season should be altered?—Yes.

3825. But in the bed of the Lennan there are very few salmon killed?—Very few.

3826. Except in Lough Fern?—Except in Lough Fern, but there was a good deal killed this year in the month of May.

3827. Where?—There was a good deal on my own land, just on the bit of my own land here near the village, outside the village about ten minutes' walk.

3828. And there are salmon killed here?—Yes, there were several fish killed in it.

3829. Well, there is not any great salmon-killing in any of these pools here?—Oh, no, an odd fish.

MR. THOMAS HAYES, recalled.

Chairman.

3830. You wish to add something to your evidence?—Yes. I wish to mention that I have had very considerable experience of red fishing, and my opinion is that red fishing on the rivers has gone down very much since drift net fishing began. And Dr. Mahaffy asked a question was it true that salmon and sea trout don't rise in the month of June or July, as formerly.

Dr. Mahaffy.

3831. In the lake?—In the lake. It is quite true that they do not rise in July.

3832. But in April and September, when they are rather red?—Yes, and August.

3833. And that is a curious fact?—It is.

Chairman.

3834. Can you account for it at all?—I cannot, sir, but it is a fact. I cannot account for it, unless that

Chairman—continued.

they are getting into the breeding state. The drift net fishing is, in my opinion, the cause of the red fishing going down, and I think also that the Department ought to do something towards affording protection.

3835. By affording protection, do you mean as regards the observation of the weekly close time?—Yes.

3836. That is what you mean by Government protection?—It is, decidedly.

Dr. Mahaffy.

3837. You know the Lennan here quite well?—Yes.

3838. Is it a fact that the sea trout that come in now here are principally small fish?—Yes.

3839. Are not the big fish caught by the nets down near Rattramill?—I have not seen large sea trout in the Lennan for many years.

The Committee adjourned.

TENTH PUBLIC SITTING.

MONDAY, 24TH JULY, 1911,

AT 11 A.M.

At the Courthouse, Londonderry.

PRESENT.

THE RIGHT HON. SIR DAVID HARREL, K.C.S., K.C.V.D. (Chairman).

THE REV. JOHN PENTLAND MANNING, D.D., M.D.,
C.V.D.,
MR. W. L. CULLENWOOD, J.R.S.S.

MR. W. S. GREEN, C.B.

MR. R. H. LEE, Secretary.

Chairman.

YOU are no doubt acquainted, gentlemen, with the objects sought to be attained by the appointment of this Committee, and also the sort of information that the Committee desire to obtain in visiting various portions of the country. We have to require into the effect which changes in the ownership of land in Ireland, under the Land Acts, have had, or may be expected to have, on the fisheries of the country, and

Chairman—continued.

particularly on the salmon-fishing industry, and to make recommendations as to what steps, if any, it may be desirable, in the circumstances, for the State to adopt in the interests of Irish fisheries. Now, we wish to confine our inquiry as narrowly as possible within the limits of those terms of reference, and we should be glad to hear any witness now that can further the object of the inquiry.

MR. THOMAS JAMES ENGLISH, examined.

Chairman.

3840. Now, Mr. English, you are Secretary of the Coleraine Board of Conservators?—Well, sir, the old name, clerk.

3841. You are Clerk to the Coleraine Board of Conservators?—Yes, sir. Will that interest you, sir? (Paper handed in).

Dr. Molloy.

Yes, this is highly instructive. This is a return made by the Coleraine Board of Conservators.

Chairman.

3842. Have you any recommendations or particulars of the rivers in your district and the various other matters affecting the Coleraine Board of Conservators?—They are there before you on the map.

3843. What area is comprised in the district of the Coleraine Board of Conservators?—About 2,240 square miles.

3844. Countess, where does it begin and where does it end?—It begins at the townland boundary, Down-hill, near Mighiligan, in the Co. Londonderry, and extends to the point of Portrush, in the Co. of Antrim.

3845. That is the coast?—That is the coast. It is only a distance of about fourteen miles.

3846. Can you tell me the rivers comprised in this district?—Yes. Well, the principal river is the Bann. 3847. The whole of the Bann?—Yes, the Upper and the Lower. The Lower Bann extends from Coleraine to Lough Neagh.

3848. And the Upper Bann?—The Upper Bann runs from Lough Neagh up to the Mourne Mountains, Co. Down.

3849. That is the Bann?—That is the Bann. Then the tributaries of that are rather important. There is the Main Water that runs from Lough Neagh, runs north again right away up to the Antrim Mountains on the coast there. Then the Six-mile Water runs up past Bellaghy, in that direction. Then the Upper Bann, as I mentioned before, runs to the Mourne Mountains. Then the Blackwater runs up through Armagh and Tyrone, right away westward.

Dr. Molloy.

3850. They all appear to run up-hill according to you?—Well, that is a matter of description, sir.

Chairman.

3851. You are giving us the direction from the mouth to the source?—Yes. Then the Ballinelly runs from Lough Neagh right away up to Slieve Gullion and the mountains in Tyrone, and the Moyola comes then from beside Tomsie up into the County Derry. Then there are also the Givvy and the Aughawaddy rivers, small rivers.

3852. Where do they flow into?—Into the river Bann.

3853. They are direct tributaries of the Bann?—Direct tributaries of the Lower Bann. And then there are numerous small rivers that flow into Lough Neagh and into the Bann, a lot of small rivers.

3854. But you have given now the main rivers?—The main rivers.

3855. Now, does your district include extensions of the sea?—No.

3856. Are there not tidal waters in any portions of the rivers you have described to me?—The only tidal water is on the Lower Bann from the sea up to Coleraine. That extends about six miles or so.

3857. That is really the only tidal water?—That is the only tidal water.

3858. Now, how many Conservators are appointed for your district?—The total number?—I could not tell you that. That is a movable feast.

3859. I will ask you now the number of elected Conservators?—There are eight, four for the tidal, and four for the fresh water.

3860. Do they act and vote all together, and dispassion of the business all together, or do the tidal water men confine themselves to the estuary and the river men confine themselves to the river?—They all sit together.

3861. And deal with the subject as a whole?—Yes.

3862. About how many ex-officio Conservators are there?—There are three who are ex-officio under statute, being representatives of the owners of fisheries valued at over £100 per annum.

3863. That is, under special statute?—Under special statute.

3864. Being representatives of fisheries?—Valued at over £100 per annum.

3865. They are Justices of the Peace?—No, sir.

3866. That is not part of the qualification?—That is not a portion of it.

26th Feb., 1911.]

MR. THOMAS JAMES ENGLISH—continued.

[LONDONMENT.]

Chairman—continued.

3867. What properties do those three represent?—Well, Mr. MacDonnell represents the Fyfe and Burns Fishery Company, who are the owners of the several fisheries on the Lower Burns from Lough Neagh to the sea, the salmon fisheries. Colonel Bruce represents the Tennoe Bel Fishery, and Mr. Ellis represents the Portnoe and Movmaghera Bel Fishery.

3868. About how many other ex-officio members are there of the Board of Conservators?—There are about twenty-four off and on.

3869. Do they live in all portions of the district?—They do.

3870. Do they give considerable attention to the subject, then?—They do.

3871. And therefore I should think that they meet in considerable numbers?—They do.

3872. About how many would you have at a meeting?—About eighteen to twenty.

3873. How frequently do they meet?—Well, the regular meetings are half-yearly.

3874. And where do they meet?—One meeting is held at Ballymoney and the other in Coleraine.

3875. Have you committee meetings?—Yes.

3876. Do they meet on questions raised?—Yes, sir.

3877. Have you a fair attendance at the meetings?—A very good attendance.

3878. You mean, of course, red-and-line and net licences?—Yes.

3879. How many sorts of net licences?—Well, we issue a draft net licence for salmon, a draft net licence for eels, and a draft net licence for pike.

3880. That is for Lough Neagh?—That is used exclusively in Lough Neagh.

3881. Yes?—Well, we issue tannal net licences for pike, bag nets, boxes, cogill nets.

3882. What are boxes exactly?—We have only four in the district. They are used for taking salmon in a weir. Then the cogill nets for eels. And then drift nets; and occasionally we are asked to issue licences for gap eyes. It is only the two eel fisheries.

3883. What was the last thing you mentioned?—Gap eyes and baskets. That is only used for taking eels. It is only issued to owners of eel fisheries.

3884. Do you license many drift nets?—No; about ten or a dozen.

3885. You have only one estuary?—Oh, that is all.

3886. I see your total income from licences is £450?—Yes, about that.

3887. Then your fines amount to £20?—Yes.

3888. And the rates on fisheries £70?—Yes, that is the balance of the rate. You see that when people take out licences for fishing and pay for the licences, if they don't take out sufficient to make up the ten per cent. rate on the valuation of the fishery they have to pay the difference.

3889. Is the fishery valued at the General Valuation Office in Dublin?—Yes.

3890. According to what basis?—I cannot give you their basis.

3891. Are there appeals against the valuation?—I have not heard of them.

3892. One may presume, then, that the valuation is not too high?—Well, I should think not.

3893. You don't know how it is ascertained?—Oh, no; I can't give that.

3894. The figure for "rates on fisheries" is the balance?—The balance.

3895. And what would the whole of the valuation be?—Well, the valuation of the salmon fisheries is about £1,280, or something.

3896. That is the salmon fisheries of all the district?—Oh, no; the valuation of the salmon fisheries in the Lower Burns.

3897. Can you tell me what the valuation is of the entire district, because this £70 appears very small as a balance?—Well, I don't think there is any valuation for the whole district, sir. There is the whole of Lough Neagh, which is not valued. There is no valuation on it at all.

3898. That is what I want to get at?—There is no valuation at all on it.

3899. Then the valuation of the fisheries in the district of these Conservators is rather erratic?—Yes, it must be.

3900. Then, at any rate, the balance is £70?—Yes.

Chairman—continued.

3901. And that brings your entire income up to £420?—That is the balance payable to the Board on the several fisheries that are valued.

3902. Where the licensees don't absorb the whole ten per cent., then the balance has to be paid?—Yes.

3903. And this £70 is the whole of the balance?—Yes.

3904. Now I will ask you about the expenditure. You expend on water bailiffs £500?—Yes.

3905. And on salaries £70?—Yes.

3906. And law costs £100?—Yes.

3907. And travelling and miscellaneous expenses £150?—Yes.

3908. So that I see you don't keep much of a balance?—We don't, I am sorry to say.

3909. I have been asking you all that as a preliminary. Now, will you tell us to what extent have estates passed from landlords to tenants in this district of Coleraine?—I mean estates through which some of the rivers in this district run?—I should think that about three-fourths of the estates have passed from landlords to tenants.

3910. Naturally your Board are very greatly interested in the arrangements made upon the passing of such estates, that is to say, if there is any change in the proprietorship of the fisheries?—I don't think it is likely.

3911. Have the rights passed to the tenants, or have they been reserved by the landlord in the sale?—I don't think in any cases that I am aware of that the rights were of such value as to require any special consideration.

3912. And do you think they were not considered?—I don't think they were.

3913. That is to say, rights other than the rights to several fisheries?—Yes.

3914. Do you mean that?—Yes.

3915. Then, in point of fact, according to your idea the value of the riparian ownership was negligible?—It was of very small value.

3916. Very small value?—Yes, that is my opinion.

3917. And was it reserved in many of the transfers?—I am not aware of it.

3918. Of course, if it was not reserved, it passed to the tenants?—Yes.

3919. Can you say what the result has been?—It has made no alteration so far.

3920. Because there was nothing to alter?—Nothing to alter.

3921. And then, really, any river in your district on which there is a proprietary right of fishing is a several fishery?—Not every one.

3922. As to those that are not, are they worth anything as fishing rivers?—Very little, sir. The only one I know of, of any value for fishing, for angling, is the Blackwater, and I don't think that estate has been sold yet.

3923. The Blackwater runs up by Monaghan and away there?—Yes, by Tyrone and Banbarb, and away up there.

3924. Is there angling there?—Yes, there is red angling there, belonging to Mr. Bruce, and he has still that in his hands. He has men who work it.

Dr. Mahony.

3925. What about Lord Coleraine?—I don't think he protects.

Chairman.

3926. Now, I take it that these rivers, although they may not be valuable for fishing purposes, still are spawning rivers?—Yes.

3927. And have you any difficulty with regard to the protection of fish in the spawning season?—Well, unfortunately, we have a weir at Banbarb, a salmon weir, which is not of very much use. Occasionally the fish do get over it, and when they do get over it I don't believe they ever return again.

3928. You put that weir there for the purpose of stopping the fish?—No, the idea in placing the weir there was to assist the fish up. It is a salmon ladder, and it was done to assist the salmon over the weir.

3929. Of course, that depends on the construction of the weir?—I think it must have been faultily constructed, or else the river has changed its course since.

3930. Mr. Bruce has sold to the tenants?—I think he has reserved that right.

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MR. THOMAS JAMES ENGLISH—continued.

[LONDONERRY.]

(Chairman—continued.)

3031. In that particular case, where do the salmon spawn if they don't get over?—They spawn in the shallows below Banburk.

3032. Now, are there spawning beds in the small streams?—Well, I don't know. If the salmon get up the main water, in abundance, they get over the muddy bottom, and if they try to pass into the small streams and spawn, I think that is the last ever heard of them.

3033. If they are allowed to spawn?—If they are allowed to spawn.

3034. Is it a portion of your haddis' duty to watch that—do you put an extra hand?—Oh, yes, we put on extra hands during the spawning season.

3035. Where, then, are the successful spawning beds in this district, for if they go up into the small streams and never return, of course we could not regard that as being successful?—Mr. King, the Inspector, will give you that more particularly.

3036. Naturally the people who kill the spawning fish have no interest in them?—No.

3037. They derive no benefit from these streams?—They do not, and they derive no benefit from the taking of the fish. They are fish that are practically cut out.

3038. Are there trout in these streams?—There are small mountain trout.

3039. But nothing more than that?—Nothing more than that. I am speaking of the small streams.

3040. This observation about spawning does not apply to the Blackwater?—No.

3041. I don't think salmon run far up the Blackwater?—They do not. They don't get past Banburk, as a rule.

3042. Now, the state of things as you describe it, is that on estates, the property in which has passed to the tenants, there has been no change as to fishing rights, that there were no fishing rights to pass. I suppose the rights of fishing were not worth talking about or reserving. If they were not reserved, of course, they passed to the tenants?—Yes.

3043. Now, the lot upon the system, as far as you describe it, is that the spawning beds upon these properties are useless, that where a salmon gets up it does not come back?—Yes.

3044. Have you any suggestion now to make as to any change that could be made which would bring about a better state of things, for unquestionably if the salmon were protected it would be a great benefit to your interests?—What I would suggest would be that no new grant be given for the erection of any fixed structure in the rivers either for the capture of eels or for the capture of salmon—that no new structure be permitted to be erected.

3045. Do you mean to say no new structure, that is, different from those that exist, or no additional structures?—No additional structures.

3046. Then there are numbers of structures at present?—Oh, there are. I think there are. I don't know of any.

3047. None that are of any value as regards the rights appertaining to them?—I don't know of any structures.

3048. You don't know of any structures?—No. There is only one trifling structure that I know of in our district that we have not looked after much, and that is a little old weir on a little stream that flows out of Lorgan demesne. That is the only structure that I know of in our district.

3049. But when you say "no additional structures" you convey the impression that there are such structures at present?—Well, of course, there are the eel weirs of Youns. They are fixed structures. And there are the eel weirs of Perros and Moyranger.

3050. And you say that no more should be added?—No more should be added, certainly, and particularly on those rivers that run down into Lough Neagh.

3051. Are you under an apprehension that such a thing would be proposed?—I have never heard of such a thing being proposed.

3052. But one never knows?—You never know what is going to happen, and I think it is best to be on the safe side.

3053. Have you any other suggestion to make?—I think that is about all.

3054. You are satisfied with stating the things as they are?—Well, I don't see that I could make any suggestion at the present time. I suppose some of

(Chairman—continued.)

the other witnesses who are more practical might see their way to it.

3055. Is there any way in which the people at the head waters could be interested to prevent the spawning fish?—No, I think the best for killing is too much imbedded in human nature, and that when they see a fish in the river they will kill it if it is possible to do so.

3056. Is there much poaching in your district?—Oh, there is a lot.

3057. I suppose by every practicable way of taking the fish?—They go out with lights at night.

3058. And gill the salmon?—They gill the salmon, and gill the trout, and stake nets in the river.

3059. And sweep the pools?—And sweep the pools.

3060. And do they poison?—Oh, that is a very common occurrence. There is one river in the Six-Mile Water district which is utterly useless for the purpose of salmon fishing.

3061. How do they poison mostly?—Well, the owners of big fisheries on the river use great quantities of chloride of lime, and they take every precaution possible, as a rule, to prevent the discharge of chloride of lime into the river, but some of the employees by and by will go round and turn the tap and it will flow into the river, and, thousands I was going to say, but tons of fish are killed.

3062. And they have it quite handy?—Oh, yes.

3063. I suppose it is necessary to use such refined methods as dynamite?—Oh, they occasionally use dynamite, but one man had his hand blown off, and that put a check on it, and it was given up on that river. There are other resources besides chloride of lime. We had a bad case of poisoning with China clay from the North of Ireland Paper Works at Ballycassidy. It is not extra poisonous, but it puts the water into such a state that the fish can't live in it. It is not a poison.

3064. What about fax water?—Oh, we have a great lot of it, a great deal of it, and there was an inquiry into it a short time ago.

3065. Do your haddis succeed often in preventing for letting fax water off?—Oh, yes, very often, and their services are recognised to the extent that the magistrates have found that a penny of a fine is an illegal fine, so they make it three pence so that it can be divided as directed by the statute, a third to the informer and two-thirds to the Fishery Board.

3066. That is very considerable, is it not?—It is.

Dr. Makgoff.

3067. You say that you have about fourteen miles along the sea outside the mouth, and you say that you have ten or twelve drift nets out there?—Yes.

3068. So those drift nets must do a big business?—They do, sir.

3069. Do you know how long the nets are?—Oh, that is a question that is under consideration at the present time. We consider them certainly too long for the money that they pay for the licence duty. I believe they are from 1,800 to 2,100 yards long.

3070. Then they do a great trade?—They do, sir.

3071. Don't they damage the fishing in the Bann very much?—They are bound to. They damage the fish that are breeding for the Bann.

3072. Do you propose to limit the length of those nets?—That is a matter which we, unfortunately, cannot do for ourselves.

3073. But you can make representations?—Well, we have done so.

3074. But it seems to me that this is the real mischief to the salmon fishing, worse than anything else?—It is very serious.

3075. You say that the fish that go up to spawn never come down, and it is possible they may have spawned?—They may have. A good many of them must spawn when they get up.

3076. And then the little things come down?—The spawn does come down, there is no doubt about it.

3077. And one fish in nothing in comparison with the spawn coming down?—That is so.

3078. Do the spawn come down ever at the time of the fax water, are they affected by the fax water?—There is no doubt of it.

3079. Is the spawn ever down before that?—The majority. You see, spawn is in the river still.

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MR. THOMAS JAMES ENGLISH—continued.

[LONDONDERRY.]

Dr. Mahaffy—continued.

3390. There is a great deal of eel fishing on this river?—Oh, yes.

3391. Do the obstructions that catch eels interfere with the salmon or trout?—No, sir. At the season of the year when the salmon and trout are going up the river I don't think the eel wells are at work.

3392. Not the big eel weirs at the mouth of Lough Neagh, but the small obstructions in the Biddle rivers?—Well, we have very few of those.

3393. Then that does not affect the question?—No, it does not affect the Conservators.

3394. The main reason why there was no mention of the fishing rights in the sales to the tenants is that the fishing rights were of no value, and if the fishing rights were of value mention would have been made of them?—Quite so. You see there is plenty of free trout fishing, and anglers have plenty of trout fishing and they don't contribute anything to the tenants. Of course, they make a great deal of noise occasionally, but they don't benefit as at all.

3395. Then you say that the fish are very much damaged by the water?—Oh, yes.

3396. And that a threepenny fine is of no use?—Oh, not at all.

3397. It is a ridiculous thing?—Of course, I don't say that it is the regular fine. Sometimes, of course, some magistrates go as high as five shillings, which is considered a very serious fine.

3398. Does the pollen fishing, which is peculiar to this place altogether, I believe, affect in any way at all any river that has salmon?—It does not.

3399. The pollen is like a herring?—It is like a herring. It is sold in the English markets as graying.

Mr. Calderwood.

3399. Do you consider that your fisheries here are improving or going back?—Oh, they have been going back for a number of years. For the last eight or ten years there has been a serious decline.

3401. And do you attribute that to any particular cause?—I think, sir, it is largely attributable to the pollution of the river.

3402. Has your netting of the river varied very much during recent years?—I cannot give any evidence of that. I can't say what has been taken in the netting on the Bann, for instance.

3403. I am not asking about the returns, but I am asking about the catching power. Has the amount of netting, for instance, increased?—Witness—In the river?

3404. In the district generally?—No, it has decreased.

3405. Has it decreased in the river or on the sea?—On the sea it is about an average.

3406. On the sea it is on the average?—Oh, it is on the average.

3407. So that your decrease is in the river?—Yes, on the river and lake. On Lough Neagh.

3408. And what type of netting is it that has decreased?—There is a net known as a trammel net for pollen. That has very seriously decreased.

3409. Has the salmon netting decreased?—No. So far as the Conservators are concerned it has not, because it is a fixed quantity.

3410. I don't understand what you mean by saying "so far as the Conservators are concerned." You mean the license?—Yes.

3411. Your income from license remains pretty much as it was?—Yes.

3412. How far up the river does netting go for salmon?—There is a net at New Ferry, on the north

Mr. Calderwood—continued.

side of Lough Beg, and there is another net at the mouth of the Main in Lough Neagh, and Lord O'Neill also has a net in the Main itself.

3403. And on the Lower Bann has the course of the river been netted very much for salmon?—No. There are boats at Coleraine, at the Cuts at Coleraine, and there is a drift net; two nets below that, between that and the sea; and there are no nets till you go to New Ferry, on the north side of Lough Beg.

3404. Then with regard to the eel fisheries, do the eel wells form any obstruction to the run of salmon?—Well, of course, they are bound to form an obstruction.

3405. You have a gap?—Oh, there is a regular Queen's Gap.

3406. What is the extent of that gap?—Well, I could not give you the figures, sir, at present. We have had it under consideration several times.

3407. You could give a rough idea?—I think it is somewhere about fifty feet on each side of the river.

3408. There are two gaps?—Two gaps. It is composed of piles and lattice work.

3409. So that the fish cannot get between the piles?—No.

3410. How many eel weirs have you?—Well, there is a set at Toms, and about five or six sets on the Lower Bann.

3411. And is there any value in eel fishing?—Not to my knowledge, except with long lines.

3412. Do tenant purchasers at all fish eels?—Oh, I am sure they do, but it is only with long lines.

Dr. Mahaffy.

3413. In the lake?—In the lake shallows, in some of the big bays up all along during floods.

Mr. Calderwood.

3414. Can you give me a return of the number of tenant purchasers in the district?—It is a large number, the whole of the district on the east side of Lough Neagh, from that to that (pointing to map).

3415. How many bailiffs have you?—About eighteen.

Dr. Mahaffy.

3416. Sea trout are very scarce in these waters, are they not?—Well, they are occasionally caught down at Coleraine.

3417. It is not a great sea-trout fishing place?—Oh, no.

3418. Then that is not worth talking about?—No.

3419. Then there is a club for fishing with rods on the Lower Bann?—There is.

3420. And that is a very important fishery, and is worth a great deal of money?—Yes.

3421. In whose hands is that?—Do you see, the whole of the Lower Bann right up to Lough Neagh belongs to the Foyles and Bann Fishery Company under ancient charters. Then they let it in portions.

3422. And what sort of rent is got from it, what is it worth, about?—I can't tell.

3423. It is a very good thing?—It is a very good thing, no doubt of it, but people are not satisfied with one rod, and they will fish with two and three sometimes on one licence.

3424. Is that fishing getting better or worse?—It is getting worse. I think it depends largely on the fishermen.

3425. It depends on the drift nets?—Well, they help it.

MR. ANDREW KYLE, examined.

Chairman.

4026. You are an inspector in the employment of the Coleraine Board of Conservators?—Yes.

4027. You have heard Mr. English's statement?—I have just come in.

4028. At any rate, he has given us all the particulars as regards the district and the rivers?—Yes.

4029. How many bailiffs are under you?—About eighteen, sir, eighteen or nineteen, appointed by the Conservators; and these are supplemented by the licensees of the Irish Society, the Foyles and Bann Fishery

Chairman—continued.

Company. They supplement these bailiffs, by sending in men during the close season and sometimes during the whole year. I should say there are about fifty bailiffs altogether.

4030. In the district?—In the district.

Dr. Mahaffy.

4031. Over the whole of it?—Over the whole of the district.

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MR. ANDREW KIRK—continued.

[LONDONDERRY.]

Chairman.

Dr. Mahaffy.

4032. You have eighteen, and the balance are supplied by the proprietors?—Yes.

4033. Do you consider now that the rivers are fairly well protected by your efforts and those of the bailiffs?—Yes, they make every effort to protect them, but of course the men sometimes are unable to protect them. I think the men are too light.

4034. What form of poisoning or destruction of fish do you think is most prevalent in this district, and most inimical to the interests of the rivers?—Well, I think gaffing, taking the fish by gaff and nets. The worst form is poisoning by chloride of lime and arbitrary lime. Gaff and nets are most used.

4035. Now, do you think that the poisoning of spawning fish in the upper waters is very much carried on and is very destructive?—It is. The rivers in the Coleraine district are all very fast-running rivers, and there comes a flood and then it falls away at once and leaves the fish very easily taken in many parts of the river.

4036. Does that apply to all fish or to the spawning fish?—It applies to the spawning fish most.

4037. As a rule, are they taken before or after spawning?—As a rule, before spawning. As a rule, they are taken on the fall of the flood, just when they come up to spawn, very often on the spawning bed, at night.

4038. Do you think it is before they have spawned?—Mostly before they have spawned or when they are spawning.

4039. A great many of the estates have been sold?—Yes.

4040. Do the tenants of these estates take any interest in the fishing?—They have not up to the present. The general rule was to take an interest in the poisoning or destroying. That was the rule up to the present. I don't know what may be afterwards.

4041. They have made no change?—They have made no change.

4042. They always did that, you say. Did the tenants always take advantage whenever they could to destroy the fish?—They did, certainly.

4043. And they are doing the same still?—They are doing the same still. The farmers' sons are very often as bad poachers as we have on the whole ground.

4044. Well, do you know of any way in which they could be interested to give up those bad practices and to assist in the preservation of the fish?—Well, I don't see anything for it, sir, except to try to improve the angling rights and the use of the angling rights. If there could be anything done to improve the angling rights and to give them an interest in them in any way.

4045. Would the angling rights be worth anything to let by the day or by the season?—I don't think they would be, except a large number of farmers on the banks would co-operate in letting, not one particular part by two or three men.

4046. Do you think they could do that?—I do.

4047. And could the river be so improved as to induce people to come here?—There are some parts of the river could.

4048. Of course, protection of the river for trout would protect the salmon too?—It would, certainly.

4049. Well, that is the only suggestion you have to make?—That is the only suggestion, sir. The rivers could be so settled in many places. To net the rivers would be to take away the spawning fish which go naturally to the river for spawning purposes, and very often the fish that go into the river during the spawning season and are settled are the older fish and more productive fish, better fish for spawning.

MR. THOMAS McDONNELL, examined.

Chairman.

Chairman—continued.

4050. You are Manager of the Foyle and Burn Fisheries Company?—Yes.

4051. And you are a member of the Londonderry Board of Conservators?—No, I am acting clerk during the illness of the present clerk. That is all. I am a member of the Coleraine Board of Conservators.

4052. But you are acting for the Clerk of the Londonderry Board at present?—Yes, at present, for the clerk, who is ill.

4053. You know, of course, that formerly there were a great many more people in the country than there are now, and that there were more farmers' boys and working people there formerly?—Yes.

4054. Therefore there was more poaching?—Well, there may have been, sir. I am only speaking from my own knowledge.

4055. There are only two new things. One is the factories letting chloride of lime into the rivers, and the other is the drift nets that are put out in the sea?—Yes.

4056. Those are the new things?—Yes, practically now, because the factories have increased to a great extent, and so also have the drift nets. The drift nets for salmon have increased terribly.

4057. Could the Blackwater, which is a good-sized river, be made a good fishing river?—It is a fair-sized river. It is navigable up as far as Moy; but very few salmon go into the Blackwater till late in the season.

4058. It is a trout river?—It is a trout river.

4059. And it could be made a very good trout river?—It might, but I don't think there would be much profit for any person setting it opposite his own land. It would be very small.

4060. But if it was improved and more fish put into it, that is the class of river that I suggest might be made a profitable river for red fishing.

Mr. Colclough.

4061. Very many of the tenant purchases are apparently along the shores of Lough Neagh?—There are some of them along the shores of Lough Neagh, and many of them on the inland rivers.

4062. And are those inland rivers on which these tenants now are situated capable of being netted?—They are not.

4063. The method of fishing which might be followed there would be entirely red fishing (I mean to say the legal fishing)?—Yes, the legal fishing; but I don't see even if the law permitted, how they could ever use nets on that with any profit.

4064. And with regard to Lough Neagh, could they not take there where they are, with advantage?—Well, you could not fish any place on the shores for salmon or trout. It would not pay them except at the mouth of the river, where, I presume, the law prohibits them from fishing.

Mr. Green.

4065. Are there any valuable fishings for rods where the tenants have purchased their lands?—No valuable fishings, no fishings of any value.

4066. Not for angling?—Except for angling.

4067. Is there any valuable angling?—Not valuable. There is a place inside Lord O'Neill's park where there might be some angling. That is the only place where angling would be profitable. The river is so thickly studded with mills and factories that the water is in most parts directed from the river, and there is very little water in the river except in floods.

Dr. Mahaffy.

4068. Some years ago when I was at Broughshane, large trout from Lough Neagh used to come up the river?—They would come up there for spawning purposes. They would generally come up in the latter end of October and November.

4069. I saw them up much earlier than that, because I caught them in August?—September or October and November are the months.

4070. I caught them in August, and they were in fine condition, coming up?—You could not catch any this season.

4071. Perhaps, then, you would be able to give me some particulars with regard to the Londonderry Board of Conservators?—Yes, I think I can.

4072. And we need not deal with Coleraine, because we have had all that from Mr. English. How many elected Conservators are there for the Londonderry district?—Eight—four for the lower, or tidal water, and four for the upper or fresh water.

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Mr. THOMAS McDONOVY—continued.

[LONDONERAY.

(Chairman—continued.

4073. Then how many ex-officio members are there?—There are about eight, but there might be many more. The number of ex-officio members is not a fixed quantity.

4074. But there are about eight who act and identify themselves with the duty of Conservators?—Yes, that is correct.

4075. How are the four for the tidal waters elected? They are elected by those who take out licences in the lower or tidal division.

4076. That is, the licensed net owners?—Yes; those who take out licences in the lower or tidal division.

4077. That is for nets?—Yes; those who take out licences for nets.

4078. Can you give me an idea of the extent of coast line you have?—It extends from Melin Head in Douglas to Downhill in County Londonderry. The distance is about thirty miles.

4079. About how many licences are issued for that district?—121 drift nets this year.

4080. That is, of course, all drift nets for the sea and for the estuary?—None for the estuary at all; all for the sea.

4081. Are there no drift nets for any of the estuaries?—No, none. The Foyle and Bann Company control the estuary, and they don't allow anything there for various reasons, that I am prepared to give you.

4082. Now, what are the rivers in the Londonderry district?—There are a great number of them, including the whole extent of spawning rivers.

4083. Give me the principal rivers first?—The Roe comes first, then the Swandunet and the Glenties and the Moyne.

4084. Are those all separate rivers?—Yes.

4085. Are they separate rivers to the sea?—None of them flow into the sea; they all flow into the Foyle. There is no other river in the district that flows into the sea, only the Foyle, except the Cuckiduff, a small double, very far north.

4086. There are your principal rivers?—Yes.

4087. Into the Foyle several rivers flow?—Many rivers flow.

4088. Did you give me the most important of them?—No; I gave you the Roe, an important river, and the next largest would be the Moyne, the Strake, the Bergh, the Glenties, the Finn, and the Swandunet. Altogether in the whole district there would be about 400 miles of spawning tributaries.

4089. You say spawning tributaries?—Yes.

4090. Which are the valuable portions of those rivers?—Well, in every spawning river there are small portions which might be fished.

4091. Are they fished?—Witness—Do you mean legally?

4092. Yes?—No, not legally now.

4093. Are they not fished with rod and line?—Oh, yes; I was referring to nets.

4094. I want the fishing with rod and line, but, first of all, tell me the portions of those rivers that are fished by nets, and the description of nets?—Well, the Finn, in the tidal portion, is fished by a draft net; and then further up it is fished by two pole nets, and then on the Moyne there are two pole nets; and those are all that are in the fresh waters of this district.

4095. Then what are the fresh-water portions of those rivers where rod and line fishing is carried on?—On nearly every river rod and line fishing is carried on for salmon or for trout or for both.

4096. Is it free or let?—Part of it free and part of it let.

4097. Is there a considerable part of it free?—Oh, yes, a very large part of it is free.

4098. Just before we got away from the subject of nets, let me ask you what nets are used in the estuary?—There are no nets used in the estuary of the Foyle at all, and the drift nets are all in the sea. I have a short paper here (prepared for another purpose) on drift net fishing which I should like to hand in (paper handed in).

4099. Have many estates in this district passed to the tenants?—Yes, a great many.

4100. Do rivers that are of value for fishing purposes run through those estates?—In very many cases.

4101. Now, in the sale of those estates did the rights of fishing pass to the tenants, or were they reserved?—In some cases they passed, and in some cases they were reserved.

4102. On the same river?—On the same river.

(Witness—continued.

4103. What has happened now as regards the practice since those estates passed?—Well, no fishing has been established for nets, but several people are saying that they are going to establish such fisheries in portions where it suited them.

4104. You know that net fishing in those rivers can be prevented?—Witness—Can be prevented?

4105. Yes?—I don't see how if the fishing rights pass to the tenants. There is no law that I know of that could prevent them.

4106. Of course, you are aware that when an application has been made to the Department not fishing in a river can be prohibited?—I am, but I am aware that even when applications are made the Department won't take the action that it is expected that they should take.

4107. However, perhaps you would now give me some further information. You say that some of the tenants on this river where the rights have passed to them are talking about netting the river?—Yes.

4108. But they have not done so as yet?—They have not.

4109. And I asked you if they could be prevented, and you said no?—They could not be.

4110. Well, if there is a desire to prevent them an application could be made, and then the merits of the matter might be studied. But we will go no further into that. In the case of fishings that have been given to tenants on the passing of estates, are they fishings that could be let?—Witness—For nothing?

4111. No, for rod and line?—Oh, some of them, and some of them for netting.

4112. But there is no netting now?—There is not.

4113. Then why talk about letting them for netting?—I thought you were trying to prevent a possible evil that was coming, perhaps.

4114. I am not going further than that. You appear to know what can be done as well as I do, and therefore I will go no further. But I want to know now whether, in the case of any of those rivers where the rights have passed to the tenants, the fishing can be made worth money, or is worth money?—Witness—For nothing?

4115. For rod and line fishing?—Oh, well, rod and line fishing. Some of them have already been letting their portions for rod and line fishing.

4116. That is what I want to know. Is it as individuals, or have they combined to do so?—As individuals.

4117. Has there been any combination amongst them?—Not as far as I am aware of.

4118. Of course, you, as an experienced man, know that one man on a river, if he abuses the property that is his on it, can very much affect the value of the fishing both above and below him?—Oh, certainly.

4119. And therefore combination is of some importance if the value of the fishing is to be preserved?—Yes.

4120. Has any step been taken in that direction?—Not that I am aware of.

4121. Is any likely to be?—Very likely, indeed.

4122. How would it be carried on?—If there was a stretch of river that could be fished, a tenant on this side and a tenant on that side would have the sense to join and buy their net homes and fish it; and this could be done very conveniently by those tenants. A man could work all the year round, except a day off for fishing, and on the day for fishing he could go out and scoop these holes clean of fish and go back to work again.

4123. Do you consider that that is desirable?—I consider it is desirable to prevent that.

4124. I am asking you, assuming that there is no netting (get away from the netting for the present, if you please), assuming that there was no netting, or assuming that netting was prohibited, is it possible that by combination among the tenants and a pooling of their rights on those rivers, the rivers might be converted into a valuable property?—Well, they could convert them into a property that should be of considerable value.

4125. I need not say that if they join together for the purpose of scooping the fish out of every pool on the river, you won't have a valuable property for many years?—I certainly think that would destroy the property.

24th July, 1911.]

MR. THOMAS McDERMOTT—continued.

[LONDONDERRY.]

Dr. Makoffy.

4120. With regard to the limitation of drift nets outside the estuary, I suppose you don't allow drift nets inside Magilligan Point?—No.

4127. But are the drift nets outside it?—Yes, across the boundary.

4128. They would stop any eelings in there?—They would stop a good many fish anywhere.

4129. And you say that the Computed District Board is promoting drift nets?—Yes, buying boats and buying nets, and assisting them.

4130. So that while you are inside trying to preserve, the Computed District Board outside is trying to destroy?—That is so.

4131. You know the pike are the great monster in the South of Ireland. Do the pike teach any of these lessons?—We have not many pike in the Foyle. Pike generally frequent single-going rivers. We have a few up about Lifford, and a few on the Fian.

4132. But they don't do much mischief to you?—No. There are some in the river Finn, in the lower end of it.

4133. Are there pike in Lough Neagh?—Yes, but many more pike in Lough Beg. I mean the upper portion of the Lower Burn.

4134. And they, of course, do great mischief to trout fishing?—Yes, and to salmon fishing.

4135. And there is no attempt made to catch them at all?—Yes, there is. I think that is one season we took 14,000 pike out of Lough Beg. Mr. King will correct me if I am not correct in that, that there were 14,000 pike taken out of Lough Beg in one season.

Mr. Andrew King.—Yes, and more.

Dr. Makoffy.

4136. That is the little lake below Lough Neagh?—Yes.

Mr. Calderwood.

4137. I understood you to say that there were no nets in the estuary of the Foyle?—No drift nets in the estuary of the Foyle, and no nets of any kind on the estuary of the Foyle from below Colman to Greenacree or Magilligan Point.

4138. There is a great amount of tidal water, of course, above that, is there not?—Yes, many miles.

4139. And there is netting in that?—Yes.

4140. What kind of netting?—Drift netting, and three stake nets.

4141. Any other kind of nets?—No other.

4142. What form have you of stake nets?—Have they a closed chamber?—Yes, one chamber in each net.

4143. Is there a roof to it?—No roof.

4144. Does the tide flow over the top of it?—No, it never gets to the top.

4145. You referred to pole nets. What is a pole net?—A pole net is a round chamber net four or five feet in diameter with a long pole to it, like a landing net of large dimensions.

4146. When you talk about the possibility of combination amongst tenant purchasers in their net-fishings, do you know that any such combination is contemplated, or are you only speaking from the idea that you thought it probable?—Well, I don't know. The combination would not be so necessary for rod fishing as for net fishing.

4147. That may be so, but with regard to rod fishing, do you know if any actual combination is contemplated?—No, I do not, but I know that in some cases a farmer on one side lets his ground, and the man on the other side also lets his ground to rod fishing. You can hardly call that combination, but it would be required for net fishing.

4148. How far up the river does the netting go?—The netting only goes to Lifford, about fourteen or fifteen miles from here.

4149. How many drift nets have you?—Fifteen.

Mr. Green.

4150. I don't take it that you are an advocate of the prohibiting of all nets in fresh waters, are you?—No, I am an advocate that there should be no new creations. That is all.

Mr. Green—continued.

4151. But you would not like to advocate the prohibiting of netting in fresh waters?—Well, I think that would be rather drastic, but as far as my interests are concerned, I would not care very much.

4152. The advantage gained by stopping it above would not compensate you for being interfered with down below?—We are not fishing anywhere in fresh water in the Foyle.

Chairman.

4153. You are not netting?—No; we have no nets in fresh water on the Foyle.

Mr. Green.

4154. But there are some nets in the fresh water, some legal nets?—There are some pole nets at Clifton, fished by a gentleman named Wilson, and there are two pole nets at Neen Mills, fished by the Duke of Abercorn. Those are the only places where there are nets in fresh water.

Mr. Calderwood.

4155. Is your fishing keeping up?—Not for 15 years past. Sometimes we have a rather good fishing season.

4156. On the whole, do you consider it has rather declined?—Certainly.

Chairman.

4157. I was rather mistaken in my estimate of your position with regard to netting in fresh waters. You think that if there was to be a general netting of the whole of the river, of course, that would destroy the fishing altogether?—That is my opinion.

4158. And you think then that it would be very much better that the interests of any of those who are at present netting should be sacrificed rather than that the fishery should be absolutely destroyed?—I would if it came to a question of considering it all. There are many things to consider, too—the outlay that would be incurred.

4159. Of course, I need not ask you if you are aware that the drift net fishing on the Foyle here is at present a subject of litigation?—I am well aware of it.

4160. So far then as that is involved in anything that is in this paper which you have handed in, of course, we cannot introduce it, but we will get this paper of yours, which is a valuable one, on the notes. Witness—Thank you.

Dr. Makoffy.

4161. I should like to know about the killing of the 14,000 pike on Lough Beg?—Well, they got them with ot nets and with a line of hooks.

4162. Do they set the nets for the spawning fish?—They killed the pike with ot nets.

4163. But where they catch the pike with the nets is where they come to be spawned?—Yes, in the creeks and bays.

4164. That is how they catch them?—Yes.

4165. That is the real way to catch them?—Yes.

4166. And you say they killed 14,000?—Yes, and Mr. King tells me I am under the estimate.

4167. Mr. Andrew King.—The major part of them were taken on long lines.

Dr. Makoffy.

4168. Then they would catch other fish with the long lines?—No; they need a bait for the pike which the other fish would not take. It is a small perch.

24th July, 1901.]

Mr. R. H. Lane, examined.

[LONDONDERRY.]

Chalmers.

Chalmers—continued.

4169. You are a solicitor, Mr. Lane?—Yes.

4170. And you represent the Hon. the Irish Society?—Yes, sir.

4171. Now, you have heard the evidence given here to-day, and you know the object of my inquiry, and I will ask you just to give us in your own words a statement of what you have to say, or suggest to us?—Well, as far as the Irish Society are concerned, they are the owners of the several fisheries in the Foyle and in the Bann, and they have other rights of fishery as well as the bed and soil of both rivers, and they also own, or are interested in, the rivers that are tributary to the Foyle and the Bann, so far as the County of Londonderry is concerned. Practically the whole of it at one time belonged to the Irish Society, and when they made special grants of it to the various London Companies they reserved out of every grant the bed and soil of every river in the county, and the hatching, and so far as we possibly can, we see that when lands are passing from the landlords to the tenants the reservation of the rights of the Irish Society is preserved; so that, so far as the County of Londonderry is concerned the Irish Society's rights are fairly protected.

4172 I take it from you, Mr. Lane, that when one of these properties is sold the landlord has no fishing rights to sell to the tenants?—We see that on the Vesting Order giving the land to the tenants, the rights of the Irish Society, as created by the original charters, are preserved. Of course, there is a very large area of the fishing of the Irish Society that is not in the Co. Londonderry, but goes out into the Co. Tyrone, and even into the Co. Donegal in some places, I think, and into the Co. Antrim as well. In those counties we have no jurisdiction, so to speak, and we are subject to the rights of the common law whatever they may be, and, having considered the question as fully as I could consider it, I think that the grant to riparian proprietors of the lands would not grant them any rights of net fishing or oel fishing, or any right to erect any weirs, or any fishing with nets in the lands so granted, except such as had been exercised for any ten years prior to the Act. That does not affect anyone who has got a substantial interest at present. It allows them to continue that interest. If they have not got it they cannot create it.

4173 I am afraid that goes rather beyond what we are here to inquire into. It is a question of an extension of opinion with regard to title; but what exactly do you mean when you refer to the exercise of rights for ten years?—I mean this with regard to the period of ten years. It has been enacted in many of these Fishery Acts that no net shall be legal except it has been fished so many years prior to the passing of the Act. That is in many of the Fishery Acts. Well, taking that as a basis to start upon, I think the same should apply to the granting of lands alongside inland waters. We are not talking of the tidal waters at all, because they are subject to different laws in every way, but I think that no grant of land along an inland river which, of course, would include the bed and soil of the river opposite to the land, should have the effect of giving any right to a tenant, or to a purchaser, to erect a weir for instance, or to fish with a net, if that right had not been previously exercised before he bought it; that is, that it would not give him a right that did not exist as to what he bought.

4174. Now, have you anything else to suggest, Mr. Lane?—Well, I don't know that there is anything, except that my own opinion is that unless the spawning rights of the fish, so to speak, are protected in every possible way it will not be well for the fisheries so far as salmon are concerned.

4175. Have you any suggestion to make as to how that can be done?—I think it is being done by the Conservators in this district. Of course, I don't know anything about the rest of Ireland, but in this particular district the Conservators are doing their best.

I mean that they are limited in their funds, and the only thing is to create means for protection. For instance, the police do not afford, in my opinion, the assistance that they might give to the protection of the spawning beds of the rivers.

4176. Can you suggest anything as to how the funds could be increased?—Well, if the police had spare time to attend to these matters a little, that would be tantamount to funds.

4177. Well, you know the police can patrol, but after all I believe it is scarcely reconcilable with the discharge of their other duties to become night watchers; and you know prevention of the destruction of spawning-fish, and of that class of poaching, cannot be effected by mere casual visits to a few places; it must be by night watching and day watching?—Well, it is a great national question; it is a question of a large supply of fish to the nation, especially of salmon, and I don't see why Imperial funds should not contribute a certain amount to the watching of the rivers. It is a national question.

4178. That might affect the question so far as subsidising the Conservators?—Yes, and the only way that you can preserve the fish is by watching the rivers, and having people appointed to look after them.

4179. I am only speaking of the impracticability of watching by the police at night, of their acting as night watchmen?—But I say if the police are not the proper parties to look after the fish at night, then let the Government have a fund out of which they would contribute to the Conservators to enable them to employ extra watchers.

4180. That is another matter. That is what I point out to you?—That, I think, is done in some of those fishery districts. It is not done in this district, I believe.

4181. Is it that contributions are made from public funds for the assistance of the Conservators?—The Society expend a very large sum of money in contributing to the Conservators for the preservation of the fish. Mr. McDermott, I am sure, could give you the figures.

4182. Mr. Lane, you have heard here that it is not exactly known how the valuation of the fisheries is made?—But so far as the Society is concerned the valuations are public property. They are done through the Valuation Office in Dublin, and published, and you could easily ascertain the valuations. They were all revised some few years ago.

4183. But in the Coleraine district it does not appear that the 10 per cent. upon the valuations amounted to a very large sum?—I don't know anything about that.

4184. Well, the entire receipts from licences and the rates on fisheries amount altogether to £790. One is £720, and the other is £70, and the combination of the two taken together would only be £790 a year; so that it would appear that the valuation in the whole of the Coleraine district does not amount to a very large sum?—Oh, it does, indeed, a very considerable sum, because we had a very considerable dispute over the amount in public court here, and it was tried before the Recorder on appeal.

4185. I am not, of course, disputing at all, and I do not wish to contend with you on that subject, but a return is made here in which the sums received from licences in the Coleraine district amount to £790 a year, and the sum received on the balance to make up 10 per cent. of the valuation of the fisheries is £70 a year; and that £70 a year is the balance over and above what was paid for licences by persons whose fisheries are valued?—Yes.

4186. The two sums put together would be £790 a year, which does not appear an immense sum for a rate of 10 per cent. on the valuation?—Oh! it would be a very considerable sum, I think, if you worked it out.

24th July, 1911.]

Mr T. J. ENGLISH, recalled.

[LONDONDOERRY.]

Chairman.

4187. You can give the figures?—The valuation of the salmon fisheries of the River Bann is £1,255 10s., and the valuation of the eel fisheries is £1,880, making together £3,135 10s.

Mr. Colderwood.

4188. £1,255 10s. is salmon?—Yes.

4189. And eels?—£1,880.

Chairman.

4190. Now, having regard to other portions of the district, are those the only fisheries that are valued?—There is a small fishery on the sea valued at £15, or something like that.

Chairman—continued.

4191. And are all the other fisheries of the district regarded as of no value, that is to say, you collected nothing from them?—Oh! we got the licence duty.

4192. But I am talking now of the 10 per cent on the valuations?—Very well, but there are no other fisheries in the district valued.

4193. Are there various fisheries in the district that could be valued?—Yes.

4194. That is what I want to get at. I do not suggest at all that these figures are not correct, but I asked you as to the value of all the fisheries of the district and if they are all paying the 10 per cent on valuation, and you told me that they are not?—They are not.

Mr. B. H. LANE, recalled.

Chairman.

4195. Now, Mr. Lane, have you heard what Mr. English has stated?—I know, because I was personally engaged in the matter, but the valuation is very considerable, both of the Bann and the Foyle fisheries.

4196. But you are aware now from this statement that there are fisheries that are not valued, and that are paying nothing?—Well I was not aware of it before.

4197. You see that is what I wanted to get at, so that really is making an application to the Government to subsidise the income of the Conservators it should be shown, I think, that every method has been used for the purpose of collecting their regular revenue?—I am sure I am safe in saying that if the Government give the same contribution to the Conservators' funds for the purpose of preservation, that the Irish Society and their lessees do, things will be much better looked after.

Dr. Mahaffy.

4198. The Irish Society are farming the Foyle and Bann?—They let them in one to the same lessees.

4199. To one set of people?—Yes.

4200. And those people pay a yearly rent for it?—They do.

4201. And it is a very big thing?—It is a large thing.

4202. Are the figures public property?—Oh, yes, it is well known that they pay £5,080 a year.

4203. What lease do they get of it?—The present lease was for 24 years.

Mr. Colderwood.

4204. The Society don't fish at all themselves?—The Society don't fish at all.

4205. Then is this body to whom you let your fishing The Foyle and Bann Fisheries Co.?—They are a number of individuals, but I don't think they are a limited company in any way. They are a private company.

Mr. Colderwood—continued.

4206. How far do your fisheries extend in the Foyle?—From the sea at Magilligan to the town of Lifford.

4207. And in the Bann?—From the deep sea below Coleraine to Lough Neagh.

Mr. Green.

4208. That is, your fishings go on up to Lifford?—Yes.

4209. Then you have rights in the rivers, have you not?—Oh, yes, we claim the prerogative of all the rivers that contribute to the Foyle and Bann, both.

4210. As far as the limits of the county?—Yes.

4211. Not beyond?—Not beyond, no.

4212. You said a while ago that you would like to make it impossible for any new constructions to be put upon any rivers?—Yes.

4213. And you said, I think, that that should apply to eel fisheries as well as to salmon fisheries?—I should think so, yes.

4214. Of course that would suit you here, but there are a great many rivers in Ireland where the erection of an eel weir would not seem to do damage?—Well, I am speaking locally. I am speaking of my own knowledge, and what I am saying nearly applies to my own district.

4215. Because we have had it brought before us in many cases that it would be to the general advantage of the country if small eel weirs were put up where no eel fishery exists at present?—I am speaking entirely of this district.

Dr. Mahaffy.

4216. Had not Mr. Moore of Ballyshannon a fishery, too?—He had, yes.

4217. He has not now of course?—Well, his representatives are St.

The Committee adjourned.

ELEVENTH PUBLIC SITTING.

TUESDAY, 25TH JULY, 1911.

AT 10 A.M.

At the Courthouse, Enniskillen.

PRESENT:

THE RIGHT HON. SIR DAVID HARRELL, K.C.B., K.C.V.O. (Chairman).

THE REV. JOHN PENNELAND MAHAFFY, D.C.L., LL.D.
C.V.O.MR. W. L. CARRINGTON, F.R.S.E.
MR. W. S. GREEN, C.B.

MR. R. H. LEE, Secretary.

CHAIRMAN.

Gentlemen, I suppose you all know the object with which we have visited Enniskillen as members of a Committee to whom a reference has been made to inquire into the effect which changes in the ownership of land in Ireland, under the Land Acts, have had, or may be expected to have, on the fisheries of the country, and in particular on the salmon-fishing industry, and to make recommendations as to what

Chairman—continued.

steps, if any, it may be desirable in the circumstances for the State to adopt in the interest of Irish fisheries. Now, we wish to confine ourselves as closely as possible to the subjects that are relevant to this reference. At the same time we do not desire to draw the line too strictly, because in many matters, although it may not appear to be directly so, suggestions will be most useful to us.

MR. JAMES JOHNSON, examined.

CHAIRMAN.

4218. You are a Magistrate and Deputy-Lieutenant for the County of Londonderry?—Yes.

4219. And you are a member of the Board of Commissioners for the Ballyshannon district?—Yes.

4220. Are you personally acquainted with the scope and general outlines of the district and the rivers contained in it?—Yes, only one portion of it. There are a considerable number of rivers in Donegal on the opposite side that I don't know anything about.

4221. Then we had better get that information from the Secretary?—Yes.

4222. Now, what particular district are you acquainted with?—Bandon and Ballyshannon.

4223. I presume you are an ex-officio member of the Board?—Yes.

4224. You are acquainted with the rivers of the district of Bandon and Ballyshannon?—Yes.

4225. Where does your property lie there?—At Lough Melvin, along the shore of Lough Melvin the principal portion of it.

4226. And have you property through which a river runs?—No.

4227. It is the lake then?—It is the lake.

4228. You can, of course, tell us the extent to which estates in the district have, to your knowledge, passed from landlords to purchasing tenants?—Yes; almost the entire district has passed.

Chairman—continued.

4229. Would you name the estates, please?—Lord Manor's, Lord Ely's, my own, a property that belonged to Mr. Dixon on the river Bandon, and a small portion belonging to the Tervins, which I think was called the Tervin estate. Mr. Stubbs has a portion of Lough Melvin that has not been sold to the tenants.

Dr. Makoff.

4230. Mr. Stubbs, of Ballyshannon?—Mr. Stubbs, of Ballyshannon, Mr. Henry Stubbs.

CHAIRMAN.

4231. Is that district what are the rivers?—There is only this one river, the Bandon, except smaller rivers that run into Lough Melvin, not feasible. I am only talking of that particular portion of the district now, because there is the Erne, which is comparatively close, and there is another, the Baniff, which is not very far off.

4232. You are particularly interested in the district that you have particularly referred to?—Yes.

4233. The properties that you speak of as having passed from the landlords to the tenants?—Properties on either the Bandon or its tributaries, any of those properties.

25th July, 1911.]

MR. JAMES JOHNSON—continued.

[Continued.]

Johnson—continued.

good many things to be settled yet. For instance, the share of Lough Melvin belonged to Lord Ely, and Mr. Stubbins and I three years ago rented it for five years before the estate was sold, and we have two more years of that to go.

4273. And do you pay your rent to the trustees?—We pay to the trustees now since they took over that. We paid formerly to Lord Ely, and after trustees were appointed we paid to them.

4274. Has there been any difference in the general preservation of the fish as well as of the game on the Ely estate since the tenants became pooled proprietors?—I could not say that. I don't know. I don't know how they manage, but if Father McCleary was here he could tell you.

4275. Of course they have now a considerable interest in the preservation?—Oh, certainly.

4276. That has been going on satisfactorily?—As far as I know, yes.

4277. Is there any other estate now as to which you can give us the benefit of your knowledge and experience?—No; there is only that small Tervan property I was telling you about, where the five tenants took a sum of money for a term of five years.

4278. And I should think they would very probably be glad to get it again?—I should think so.

4279. To whom did they let it?—To Mr. Blacker Douglas and Mr. Beatt, who have the whole rights of the fishing now.

4280. Is there anything further you are prepared to say about the note at the mouth of the river?—Oh, no, it is rather an old story now, I would not like to go into it. I have had a good deal of wrangling about it; but, gentlemen, if you are going to have any suggestions as to preservation in our part of the country I think the police ought to support preservation and to help us.

4281. You say that at a certain point near Lough Melvin, in the centre of those tributaries, there is a police barrack and that they do look after it?—They do, a little. They do help, I think—so I have been told this year—but, of course, one policeman is as good as a good many of those ordinary watchers.

4282. Of course, you are aware that while a policeman patrols as part of his duty, it is not exactly consistent with the discharge of his other duties to become a night watcher. He could not watch as good bailiffs could?—No, but they could do a good deal, I think, to assist us if they made their patrol in the night time.

4283. Yes, we have had that suggestion before, and, of course, we quite agree with you, within limitations, that it is a good thing that the police should give all the assistance they can?—Yes.

4284. And I suppose the moral effect of their presence is a protection more or less to your bailiffs and an encouragement?—Oh, certainly it is, yes. One year we had a bailiff who was under police protection for a time, and he was escorted by two policemen who went with him wherever he went, and that was very effective, and it was better than if the men went out independently.

4285. You say you took a portion of the shore of the lake?—Mr. Stubbins and I took Lord Ely's portion.

4286. What do you mean by taking that portion?—Does that prevent people from starting to fish the lake from that spot?—Well, the whole salmon fishing that is any good is at the far end of the lake, and I have one large part of it there, and then there was Mr. Stubbins's own bit, and Lord Ely came round to the other side, so we took his portion, and then we had the whole of the salmon fishing of Lough Melvin practically in our hands.

4287. Might not anybody start from another part of the lake in a boat and come up to that portion?—We have keepers there to prevent them.

4288. It is not any trespass on a lake to come from another part of the lake and fish any part of the lake?—Oh, yes, we say it is undoubtedly. We claim the fishing rights in the lake.

4289. I don't believe it is?—I hope we won't have to try it out.

4290. But we will not go into that. You spoke about the Bundoo?—Yes.

4291. Is that the river that separates Leitrim and Donegal?—And Sligo, yes.

4292. Is that river any good?—Well, Captain Buxton

Johnson—continued.

is here who knows all about it. There is a certain amount of angling in it, and salmon go into it in considerable numbers.

4293. Now, there was not a word said about trout in Lough Melvin, which is a very well known trout lake?—Yes.

4294. And the trout fishing is very valuable in that lake, is it not?—Witness—Valuable?

4295. Yes?—Well, a lot of people go to fish for trout in Lough Melvin.

4296. And they are very good trout?—Yes, very good trout.

4297. What about sea trout—do they go up into that lake?—No; it is very curious, you might say none.

4298. And not much into the Erne, and there appears to be no reason for that. Do they go into the other rivers there at all?—They certainly go into the Bundoo at all, and there is no sea trout fishing in that water.

4299. Of course, the Bundoo is a very early river?—Yes.

4300. It is done when the Erne begins?—Well, almost.

4301. And you require a flood to fish the Bundoo. Must you not have high water?—Well, it is better in high water. Of course, having a lake at the top, once it rises it stays up for a considerable time.

4302. And it is always clear?—It is always clear. That is one of the great advantages of that river. It hardly ever gets dirty.

4303. And the whole thing is a valuable property?—Yes.

4304. And an increasingly valuable property?—Certainly. Angling rights are becoming more valuable every day, I believe.

4305. Quite so, and the only source of danger to the fishing that you know of is an increase of netting at the mouth?—Yes.

Mr. Underwood.

4306. With regard to the 300 tenants of Lord Ely's estate, are the majority of those pooling their rights on Lough Melvin?—Oh, these are only a few on the western side of the lake, but I understand that the angling rights have been pooled for the benefit of the whole of the tenants, some people living up in the mountains miles away.

4307. Are those fishing rights combined with the sporting rights?—I understand so.

4308. So that it is under cover of the sporting rights that these men up in the hills have fishing rights?—Yes.

4309. Then what proportion of those men will have lands abutting on the lake?—Well, only about five per cent. I don't know exactly, but I think only a few have lands abutting on the lake. I don't know how many are in the whole thing, but I think some hundreds, perhaps, and I don't suppose there are more than twenty with lands abutting on the lake.

4310. Then any fishing which they would have would be rod fishing?—Yes.

4311. And the fishing that they might let would be rod fishing?—Yes, I should say so. I don't know whether they have a right to net or not. I am not prepared to say that.

4312. Would it be possible for them to net if they desired to do so?—Yes.

4313. There is nothing to hinder the netting?—Well, a good deal of it is rocky shore, and it would not be very easy to net it.

4314. Is the Board of Conservators here a harmonious body?—Oh, yes, we are.

4315. You have no difficulty in the separation of interests which causes a jealousy of one party against another?—No, but I know that on the Board of Conservators here they each attend to their own interests more or less, so far as I can see.

4316. Still they work harmoniously?—They work harmoniously, yes.

Mr. Green.

4317. Where does this Ely estate touch the Erne?—From Belleek up, just above Belleek.

4318. It touches the lower end of the lake?—Up from Belleek.

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Mr. JAMES JENNINGS—continued.

[REMARKS.]

Mr. Green—continued.

4317. Was there not some litigation about the fishing there?—Oh, about Lough Erne there has been a tremendous amount of litigation.

4318. And this new association has got the rights which were dealt with?—Any rights that Lord Ely had he has handed over to them.

4319. In Lough Erne?—I understand so.

4320. And does this association let the rights on

Mr. Green—continued.

Lough Erne?—Well, they did up to last year. I believe there is going to be a change made now.

4321. Do the Crown let the fishing rights at present on Lough Erne?—I was told the Crown were going to make rights of fishing for a period a year in my post office, so that you might fish anywhere in Lough Erne.

4322. Well, there has been some disturbance lately on Lough Erne about pike fishing?—Yes, I believe so. I don't know anything about that.

Mr. JOHN CROKIER, examined.

Chairman.

4323. You are a Justice of the Peace?—Yes.

4324. For what county?—The county of Cavan.

4325. And a Conservator of the Ballyshannon district?—No.

4326. Are you interested in fishing?—Well, not except in the lakes called Macnora, the upper and lower lakes.

4327. How are you interested in it?—Well, I would like to see something done for the improvement of the trout fishing and the removal of the oaks and pike out of the lake in order that it might be made a very fine fishing lake.

4328. Are there tributaries flowing into that lake?—Yes, there are.

4329. And is there a river through it?—Yes, the Arney river flows into the river Erne, and then just immediately before you get into the lower lake there is the Claddagh, which is a tributary of the Arney, and of course of the Erne. That is a good place for the salmon to spawn, but I don't know that they come much there. They do come a little through the under lake and pass into the upper lake, but it has a very shallow ford.

4330. You talk about the under lake and the upper lake. What is the under lake that you are speaking of now?—The under lake is the lake east of Blacklion, and at the mouth of the Arney there is a ford that I think prevents the salmon from coming up, and then there would be another ford at Bellew Bridge. And then there is a weir just as you enter the upper lake, but I know it is difficult for the fish to get up. And then there are tributaries out of the upper lake, one called the Blackwater (I think it is the principal one), but they can't get well up there, because it is filled with gravel and not in any way suitable for them, and sometimes there are portions of it dry.

4331. That is the Blackwater?—The Blackwater.

4332. But, as a matter of fact, do many salmon go up through the two lakes?—I think up to the under lake they do, but I think not many into the upper lake.

4333. And the reason, as you describe it, is that there are these fords?—Fords.

4334. That they cannot cross?—That they cannot cross, that is, except when the water would be at a certain height. At the present time you could walk across them. Of course, this is an exceptionally dry year.

4335. Are there any other obstructions besides these fords?—There are natural obstructions. I don't think there are any obstructions except the one at the end, just at the mouth of the Arney, east of Bellew Bridge, and one at the weir just at the mouth of the upper lake. And then there would be a few obstructions in the Blackwater; that would be in the north side of the upper lake.

4336. What is the nature of these obstructions—do they mill-races?—No; not mill-races; it would be stones that are brought down from the mountain with the torrent of the mountain stream. There was a mill at a place called Holy Well, but there is no mill working there now, and I don't think there will ever be, and I don't think salmon go up there. Trout might go up there.

4337. Now, how would you propose, Mr. Crokier, to improve the state of affairs, so as to get better fishing on the lakes that you are interested in, and on the river Arney and the Blackwater and others?—I think if a premium was offered for getting rid of the oaks and the pike, that would be one of the ways of improving the trout fishing on both lakes.

Chairman—continued.

4338. But you spoke of the oak weed. Is not oak fishing an industry there?—No, it used to be some twenty or thirty years ago, but it is not used now.

4339. How would you propose now to get rid of the oaks and the pike, and are there pike in large numbers in those lakes?—Yes, in large numbers, and large pike, and, of course, they swallow up the trout.

4340. How would you propose to get rid of them?—I think if a premium was offered, if inspectors were appointed and a premium was offered of so much per head for certain-sized pike, then you would get plenty to try and get all the pike out of the lakes.

4341. Is not the pike a fish worth fishing for at present without any premium?—Yes, and a great many people are taking them out year by year. My sons fish for them regularly.

4342. You think that if there was half-a-crown a fish given for every pike, even that is not worth it, more people would fish for them?—Yes, and by that means you could get the oaks and pike rid out of these lakes, and you would have the trout in more abundance and quicker, and then you could bring about into the river, say rainbow trout or another good class of trout.

4343. Have you ever tried to bring them in?—Never.

4344. We have been receiving a rather bad account of them. They don't stay. When they get all they can from you they go to sea and don't come back?—They are a pretty large trout.

4345. Now, about the obstructions, have you anything to say with regard to their removal?—Not except that it would require money to have them removed, but I don't think it would cost very much. I don't think you could sink very low at Bellew Bridge, because the torrents of the mountain rivers do so quick that they bring stones and gravel with them, and of course they accumulate year by year; but I think if there could be a certain amount of money set that it would not be difficult to have those obstructions removed.

4346. Are these lakes and the Arney and the Blackwater free or rented for fishing?—They are free.

4347. Anyone can fish in them?—Yes, any person can fish in them. The Earl of Enniskillen had a property there on the south side of the lower lake. Where he has sold, I believe the fishing rights and sporting rights passed to the tenants. But there is a Mr. Jones's property, on the north side of that lake, and it is still in Mr. Jones's hands. I think the sporting rights on the property are at present set off leased to a Mr. Nixon, who possibly will be giving evidence later on.

4348. Is that the fishing and shooting, both?—Yes, I believe so. I believe both rights go together.

4349. Mr. Jones has not yet sold the property?—No, he has not sold the property yet.

4350. Lord Enniskillen on the other side, you say, gave his rights to the tenants?—Yes; I believe his rights—the sporting and fishing rights together—went to the tenants. That is on the under lake.

4351. What now have the tenants made of those fishing and sporting rights?—Very little.

4352. Have they considered for the purpose of making profit out of them?—No, they have not.

4353. How long is it since the estate passed?—Oh, it would be eighteen years.

4354. Eighteen years since the estate was sold?—Yes, indeed. It was sold under Lord Ashbourne's Act, I think.

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Mr. JOHN LINDEN—continued.

[REMAINS.]

Chairman—continued.

4363. And have the birds and fish disappeared since, or have they increased, or what?—About the same.

4364. Has it never struck there, do you think, that they could, by pooling their rights, turn that into a valuable letting property?—It may have struck some of them, but not a sufficient number to enable them to combine, to make any move to have the matter put right, to have it set.

4377. How many tenants are there?—I don't know. I suppose there would be ten or twelve on the south side of the lower lake. Then the north side of the upper lake is the Mosley property. That has been sold to the tenants, but I think it is not vested yet.

4378. Have the rights been removed there or are they given to the tenants?—Given to the tenants, I believe.

4359. Then I suppose it is too soon to talk of what they are going to do?—I think so, they have not got the vesting order yet.

4360. Is there any other property?—The Tottenham estate would come in on the other end. And Mr. Johnson has the property. He has Gloucester Hall, and I am sure he claims all the rights on the Tottenham portion of the estate which he bought. He fishes and shoots a good deal.

4361. Have you any suggestion to make with regard to the means by which the tenants could be induced to make the most of their property where the rights have passed to them, for you have heard here that on one estate they have pooled their rights and the thing is going on well?—Yes. Of course if the whole property adjoining the lakes were sold it might be done, and the people might be induced to join for the purpose of making out the fishing rights for the benefit of themselves. I believe the tenants who might do so would all preserve the fish in the lake if they believed that they could make it a paying business, that is if they could get anything worth while out of the fishing. I believe they would.

4362. Is there much poaching or illegal destruction of fish?—I don't believe there is. There might be done at the Ansey or at the mouth of the Chiddagh at the lower end of the lake, but not higher up.

Dr. Mosley.

4363. What is your personal interest in the fishing of Lough Macnean?—I have no personal interest in it. I have no land adjoining Lough Macnean.

4364. People don't come and fish there very much?—No, but I would like to see it developed as an industry, and I have no doubt that it could be made a very beneficial industry, and people might come there and fish.

4365. You spoke of Blacklion. Is there a hotel at Blacklion where people come to stay?—Yes.

4366. And is it managed by an intelligent man?—It is, and also a good hotel at Belton.

4367. And it would be in his interest, of course, that people should come?—It would.

4368. What is the quality of the trout in Lough Macnean—are they big lake trout?—They are not very large trout.

4369. Are they of high quality?—They are of good quality.

Mr. ROBERT A. HAMMOND, examined.

Chairman.

4373. You are Clerk to the Board of Conservators of the Ballinacorney district?—Yes.

4380. Now, can you give us shortly the boundary of the district, and in the first place what is the coast line comprised within the district?—It is from Mullaghmore Head to Rossan Point beyond Killybegs, and all Downal Bay.

4381. On the land side what are, roughly, the confines of the district?—Well, there is a portion of it in Sligo, the Bushaduff river, and a portion of it in Leitrim and Donegal, and the whole of Downal Bay all round.

4382. Will you now tell me the names of the rivers that are in the Conservators' district—the rivers and tributaries?—Well, the first river on the Sligo side is the Bushaduff; then the Bushaduff, then the Erne and the Eik at Downal, and the Inney and the Teelin,

Dr. Mosley—continued.

4370. Pink in flesh?—Yes.

4371. And how long?—You would not get many of them more than a pound or a pound and a-half weight.

4372. How many in the day would you get?—I could not tell you that, but I think Mr. Nixon if he gives evidence would be a better judge of that subject.

4373. I don't know whether you are very destructive?—Oh, yes, they are very destructive of fry.

4374. And you think that the right thing would be to destroy them. We had evidence yesterday about getting rid of pike on Lough Beg, below Lough Neagh, and the evidence was that last year they caught 14,000 pike on Lough Beg by means of long lines, and by means of netting the spawning fish in the shallows?—Well, I think it is by lines and with bait on the lines that they catch the pike in this lake.

4375. Did you ever try to get the pike coming into the reedy shallow places in spawning time?—No, I don't think that is ever practised. I know that there are some large pike taken in the lower lake. One of my sons took one last year seventeen or eighteen pounds weight.

4376. Yes, but a spawning pike would do a great deal more harm, and if you turn your attention to that I am sure the Fishery Board will give you every help for the killing of the pike?—Yes.

4377. Are there a good many people coming to Lough Macnean to fish?—Well, not as many as you would like.

4378. Are they diminishing?—Well, I could not say that. There are some during every season for the last thirty years, but not very many. They are more local people that would come there for a little time.

4379. And there are boats on the lake?—Oh, yes, there are boats on the lake.

Mr. Green.

4380. Is the Ansey a spawning river itself?—The Ansey, and the Chiddagh off the Ansey.

4381. I don't suppose salmon come into Lough Macnean in the open season at all?—I don't believe they do, only in the winter season.

4382. So that these lakes would have their value principally for trout?—It is more for trout fishing than for raising salmon.

4383. But as far as sport is concerned it would be all trout?—Yes, it would be all trout.

4384. And the rivers are valuable to a certain extent?—Yes.

4385. Do any people fish those rivers at all now with long lines for pike?—Not except the tenants.

4386. But there is no such thing as long lines set, lines with a thousand hooks?—No, no such thing. I think at the present time there are two young men that are taking of it in that way, and that has been practised occasionally, say once every second or third year for the last ten years, taking out of the lake, and I believe it would be a great benefit if they were all taken out, or as many as we could.

Dr. Mosley.

4387. They would not catch pike with the bait they set for salmon?—Not generally.

Chairman—continued.

and the Carrick, and then there are some small rivers, but these are the principal fishing rivers.

4392. Will you give me now the principal lakes?—Lough Erne, Upper and Lower, and Lough Melvin. I can't give you any of the smaller ones. Lough Erne extends a long way into the County Cavan and into Longford.

4393. There are a number of tributaries, of course, flowing into these lakes?—There are.

4394. Tell us the principal tributaries that flow into Lough Melvin?—Yes, the lower river and the Bella river, and other smaller rivers.

4395. Into Lough Erne?—I could not tell you.

4396. There are large numbers flowing into Lough Erne?—I could not tell you the half of them. It is a very large lake.

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MR. RICHARD A. HARDY—continued.

[BALLYSHANNON.]

Chairman—continued.

4407. How many members are there on your Board of Conservators?—There are six for the upper tidal water and six for the fresh water.

4408. Six for the tidal water and six for the fresh water?—Yes.

4409. Are those elected members?—They are.

4410. That is twelve?—That is twelve.

4411. How many ex-officio members are there?—Well, there are about six at present. It all depends on whether they take out licences or not.

4412. But do you know there are about six?—About six.

4413. That would be eighteen altogether?—Yes.

4414. Where do your Conservators meet?—At Ballyshannon.

4415. And how frequently?—Well, twice a year, and when a special meeting is necessary to be called.

4416. Do the Board ever discuss any business to a committee of their own body?—No.

4417. Any business that is done is done by the assembling of the whole Board?—Yes.

4418. What is the attendance as a rule?—Well, sometimes we have eight or ten, other times not more than four or five. Where there is an important meeting there is a large Board.

4419. What is your income, and how is it derived?—It is derived from the licences.

4420. I know that you get income from the licences, and I presume you also get income from the rate on valuation?—Well, none if they all pay subsidies licences to cover that ten per cent. They are not bound by law to pay any of that ten per cent. if they take out sufficient licences to cover it.

4421. So that you receive nothing of that?—No, except on Lord Ely's place that you were speaking of—a small portion.

4422. How much do you receive from licences?—Well, the licences in 1908 amounted to £418.

4423. For the whole district?—Yes, for the Ballyshannon district, the licence duty; and there were fines, £3 6s. 8d., and there was some sale of engines forfeited, amounting to £4 14s. 8d.

4424. What is the total sum for that year?—Well, there was a subscription from the Erne Fishery Company towards paying bills, amounting to £20 13s. 6d., and that passed through the accounts of the Board, making a total of £476 13s. 10d.

4425. Then there was only a little over £400 derived from the licence duty?—Yes; £418 was the amount of licence duty received.

4426. Do you receive assistance from any of the proprietors who pay bills independent of your bills?—Yes; the Erne Fishery Company, I say, subscribed £250.

4427. But in addition to the subscription of the Erne Fishery Company, do other proprietors employ bills?—Yes, in concert with your bills?—They do. Some of them pay less or more, but that does not pass through the funds of the Board.

4428. The subscription of £250 does, that is the only sum?—Yes.

4429. Will you give me the items showing how this income of yours is expended?—Oh, each proprietor employs his own bills and pays there.

4430. Each proprietor?—Yes. The owners of these rivers employ their own bills, and they pay them out of these funds. The money is allocated and handed over to them, and they pay the bills.

4431. Then the Conservators as a body do not administer the expenditure of the funds at all?—They send in pay sheets to them of the expenditure.

4432. But the employment of the bills is deputed to the local proprietors?—Yes.

4433. And they employ them and pay them, and then they send in a pay sheet to you?—Yes.

4434. But the Conservators as a body do not administer the funds?—No.

4435. You know what I mean. They depute the employment of the bills, and they do not employ the bills themselves?—No.

4436. Now, as the meetings what exactly is done, because it would appear to me that they depute the most important portion of their duties to local proprietors?—That is by the allocation of the funds. Each licence is given to its own river that the licence has been taken out for, and that is fished under that licence, and that goes to the payment of the water bills.

Chairman—continued.

4437. How about the licences for nets in the lower waters?—That goes to the general funds, for instance, the expenses of paying for advertising and paying for the clerk's salary, and for outside protection.

4438. Do you mean outside the estuary, on the sea?—Yes, the sea-coast protection.

4439. And what sort of protection do you afford there?—We send round men and boats there to see that people are not fishing without a licence.

4440. And, I suppose, not breaking the weekly close time?—Yes.

4441. How many boats have you employed as a rule?—One.

4442. That is a pretty long stretch of coast for one boat, is it not?—Well, it is; but it is very expensive getting them, and it is very hard to get men to do it.

4443. Now, with your experience, have you any suggestion to make on the subject that we are inquiring into here, I mean as to how tenants may exercise their fishing rights when they get them, with profit to themselves and advantage to the public?—There are very few of the tenants that have got any of the fishing rights that I know of, except on that portion of the Marquis of Ely's estate and the Treen property.

4444. There are other estates that are in process of passing?—Oh, I could not say.

Dr. McGeary.

4445. You know the Banduff?—I know the Banduff.

4446. What is it worth as a fishing river?—Oh, I have not the least idea. Captain Barton will be able to inform you of that, and he is here.

Mr. Colclough.

4447. I wish to ask you about the extent of the netting. What is the extent of the netting in your district—first of all, in the sea?—The whole coast from Mullaghmore Head to Ross Point.

4448. That is drift net fishing?—Well, the principal part of the drift net fishing is carried on on the north side of the bay from the Treen down and round the coast to the Letterkenny stream.

4449. How many drift net houses are taken out?—Nineteen this year.

4450. And has there been an increase at all in your district?—Last year I think twelve, and less the year before; and then there was, one year, a lot of drift net houses.

4451. What length of net do you have?—I believe they fish a thousand yards, those drift nets, and perhaps more.

4452. But there is a limit, I suppose?—Not on drift nets. Drift net fishing is running the whole salmon fishing, in my experience of it.

4453. Then with regard to the netting in the estuaries of the various streams, what extent have you of that?—Well, all the netting that I know below the bridge of the Broadwater is only one drift net on a spot that is fished there for centuries.

4454. Then perhaps you would tell me the number of drift net houses?—There are nineteen on this year. No, about seventeen on this year, outside drift nets.

4455. What do you mean by outside drift nets?—Those are the ones outside that fish out in the sea. They pay nothing but the licence duty. They can fish free there along the coast on a £3 licence.

4456. And then there are other drift nets which fish in the rivers?—Yes.

4457. How many are there?—Six on the river Erne. (They don't fish up past the falls of Ballyshannon. Some fish in Dromagill this season, the Esk.) And four fish on the Trellis. One fishes at Buncrana and one or two fish at Banduff.

4458. Is there much netting in the fresh water of the Erne?—Well, none but poaching.

4459. Are the duties in Ballyshannon district at all improving?—Well, some years a great deal better than others.

4460. But you are rather inclined to refer to the drift nets as injurious?—Yes. If the drift nets are allowed to go on they will banish all the fish out of the place. It is not what they kill but what they do. The fish try to break through and they get washed up in the nets and tans. The outside fishermen say that the drift nets would ruin their fishing, that is, the local men that have been fishing for years and years along the coast.

28th July, 1911.]

MR. RICHARD A. HAMILTON—continued.

[ENDDERLEIGH.]

Dr. Mahaffy.

4452. For what?—For salmon, with an ordinary drift net licence; but those new things, the drift nets, have destroyed it.

Mr. Calderwood.

4453. With regard to the District Board, I understand you to say that the funds derived from licences, and so on, are allocated to the various proprietors of the different districts, who pay their own bills?—Yes.

4454. Are those members of the Board appointed specially to look after those particular districts, or do they invariably look after the whole area?—They look after their own river and pay their own bills.

4455. And are not expected to look after the wider district?—I suppose they do, but they get the money allocated to the river that belongs to them and they pay their own bills.

Mr. Calderwood—continued.

4456. And it works out practically in that way?—Yes.

Mr. Green.

4457. Of course, you were enumerating the whole of the various duties of the Conservators?—Yes.

4458. But you omitted to say that one of their duties was to carry out prosecutions?—Yes.

4459. And that, of course, is an expense sometimes?—Yes. The prosecution of the outside fishers in the sea comes off the general fund.

Chairman.

4460. That is the general fund derived from the licences for the nets outside?—Yes, outside; and the other proprietors each pay their own.

4461. That is the inside?—Yes.

CAPTAIN CHARLES ROBERT BARTON, EXAMINED.

Chairman.

4462. Where do you live, Captain Barton?—At Waterfoot, County Fermanagh. I am a Deputy-Lieutenant for Fermanagh and a J.P. for Donegal and Fermanagh, and I am a Conservator of the Ballyshannon district. I think I have been a Conservator for about fifty years.

4463. You know the object of our inquiry here?—So far as this has gone.

4464. Would you kindly now give us in your own way a short statement from your own knowledge of estates with fishing rights which have passed to tenants, and then give us any suggestions you desire to offer as to methods of dealing with estates which have passed or may hereafter pass to the tenants?—Well, in the first place it strikes me, as having a great knowledge now of the fishery laws, that it is absolutely necessary to divide the subject of the inquiry into two, that is, those that held under patent and those that are riparian owners. I mention that, knowing the patents of Lough Erne and the river Erne perfectly well. I live on Lough Erne. I think I have somewhere about twenty miles of the shore of Lough Erne, and I know all the fishery cases that were brought forward about the fishing of Lough Erne, and I was examined as a witness in Tutin's case in the Courts in Dublin, and I know all the ins and outs of that great trial, and I have since gone over it to refer to it. I know that it makes a gross difference when you are dealing with tenants to see when the property is vested whether the right is made to the tenants by vendors having the right as riparian owners or by vendors who have nothing to do with riparian ownership but are patentees. It has been decided in very important cases, not in one but in several cases with which I was well acquainted. In fact, I have sat here in Court on appeals under those Acts, so I am well up in them. The case, if you recollect, was, what are the rights on Lough Erne, the rights to fish on it? I think it is an important question before you deal with them to see how you are going to transfer them. What right has the vendor got to transfer the fishery? That is, is he a patentee or is he simply a riparian owner? You have heard here of the Banfill. I am the patentee of that river. I don't exercise my full rights as patentee of that river, but in cases of vending to tenants who have purchased in the County of Leitrim (I don't care where) it is necessary in conveying any rights to the salmon fishing in the Bunduff river to give me an opportunity of showing them my rights there, though I don't wish to go into law suits.

4465. I don't like to interrupt you, but at the same time what we have to deal with is the condition of affairs after a sale and when the rights have been either reserved, or given to the tenants; but as to the power of the vendor to either reserve or transfer, that is scarcely our office here to inquire into. We merely want to inquire into the state of affairs when either a legal transfer has been made or a reservation has been made, either one or the other. I don't want to interrupt you, but bear that in mind?—You mention a legal transfer. That depends on those words: "What is a legal transfer?" A transfer to a tenant who has

Chairman—continued.

purchased is different according to whether the vendor is a patentee or not. Therefore his rights would be different if he was a riparian owner. The rights of fishing went by the transfer of the land that was covered with water, that belonged to his father, but if he had no right, and never had on account of the patent being a patent of the whole river passing through several properties, such as the Laver, and such as many other rivers that I know of passing through other properties, the tenants must acquire a transfer of part of the vendor's right.

4466. Captain Barton, may I remind you that that is a question between the vendor and the tenants at the time of the sale, but it is not a question for us to go into now. All we really want to know in your suggestions, assuming that the rights have passed, as to the methods by which the tenants can best take advantage of those rights which they possess?—Well, as to the right of the tenants to fish, in the case of a tenant that lives ten or twelve miles from the water, I cannot understand a right to fish at all being transferred to him.

4467. But supposing the case of an estate where there are valuable shooting rights transferred to the tenants as well as valuable fishing rights, don't you think it is possible to pool the combined rights over the whole of the estate and make them a valuable asset to the whole of the tenants?—I say with my long knowledge of law and everything, that it is a perfect impossibility to combine game rights with fishing rights on account of the different way they are held.

4468. We don't know how long it will last, but we have had evidence already of that process being carried out successfully?—I don't say that it is an impossibility so far; only that I don't think there can be a conveyance to a man living fourteen or fifteen miles from the water, of a patentee's rights in the river. Suppose the Ely property was sold, and there was a tenant fifteen miles away, the right in the case of such a tenant never existed, and it can't be conveyed if it never existed.

4469. Well, is there any other suggestion that you can make to us now, Captain Barton, supposing we say nothing about tenants that are fifteen miles away from the water, but tenants who have lands adjoining a river or a lake?—I know a great number of properties through which a river runs, for instance, the Laver, in Donegal, where tenants have farms properties running down the river Laver, but Mr. Sinclair, a relative of mine, has rights running up that river through different properties, and the tenants have no right to it at all, and he has protected it from time immemorial, and I know that the patent was transferred or a part of the patent. I could mention several cases in which patents have been sold, some of them for debt and some of them for other purposes, and they have been transferred; but where there is not a negotiable article—

4470. Where there is not it won't be negotiated?—There is nothing to negotiate.

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CAPT. CHARLES ROBERT BAYTON—continued.

[CONTINUED.]

Dr. Molloy.

4475. Now, you are the first man that knows the Bunduff. Tell me about the Bunduff river?—I have known the Bunduff for about fifty years very well.

4476. How many miles of it are there fishable, or for how many miles could you fish it?—Well, a very short distance for salmon fishing, because salmon don't go up far into the river till the close season commences, and then when the close season commences they go up very fast, that is the winter fish, and very few of them ever come back.

4477. Is there a rule of salmon fishing?—About that.

4478. Is there any sea-trout or brown-trout fishing?—Oh, yes, a good number of white trout go up it.

4479. There is not a lake at the head of it?—No; the two branches join into one, and they go down in that river.

4480. Is the fishing let to anybody, or is it open free fishing, or what is it?—I fish it myself for salmon and everything, and I am quite capable of giving evidence as to the drift nets, for I am out at four o'clock in the morning and see all that goes on.

4481. In the season how many salmon would you kill with the red?—Oh, I could not tell you in the season, because gentlemen get here to fish on it from me, and they fish for a short time and away they go. They are perfect strangers, and they go down there for a short time. In fact, the whole fishing for salmon that is worth anything only lasts about three months with the red and less than two with the nets.

4482. And do you get big fish?—Yes, up to eighteen pounds I catch them.

4483. How many did you ever get in a day?—Well, I want to give you an idea of the fish I catch. A very extraordinary thing happened the other day. On the river that I am acquainted with nearly thirty years I got sixteen fish. There was only one salmon amongst them, a ten-pounder. The rest were nearly three and a-half pounds weight, and had been riddled by a drift net. And I do get some of them out in the sea with marks of the drift nets in them, well worn, so that it was not just in the catching of them that the mark was made, but that the net had actually worn into their flesh, they had been so long in the net; and that net, as a fisherman, I say, must have been set. And more than that, I know that these drift nets are fished by shore, and the men have not to come much whether the net is taken or not, so that they get their share. Now, you have had Mr. Hamilton, our Clerk, examined here, and he has told you that there is such a thing in the Board of Conservators as a general fund. I should like this Committee very much to go a little more into that question. The general fund is a very large fund, and I think it is not devoted as it should be to better protection of the coast. I complain bitterly for myself and others, not only for

Dr. Molloy—continued.

myself as regards the Bunduff, but for myself as regards Lough Melvin, and I have been preaching it all my life, that there is not sufficient of that general fund spent in what I call coast protection. All the money for the licences taken out by what we call the public for fishing in the open sea, whether they are drift nets or draft nets, goes to the general fund. I know that from looking at the accounts and seeing the books and having them totted every year, but there is only one boat for about forty miles of shore, and about fifteen drift nets are generally fished by tenants in Donegal. They go at all times of the night and they have generally fixed nets, and these are left anchored all night, and that accounts for the salmon having such very deep marks in them when I get them. Some of them seem to me to have just passed through a riddle, and of three and a-half to four pound fish I get ten for one I ever got, and only one for ten I used to get of from five pounds up. If you ask me questions I can give you, I think, any information you want about another subject, for I have been all my life on Lough Melvin, and I have known that this was a very superior place for fishing in my uncle's time, in older times, to what it is now. I have been fishing now all my life nearly, and I think it is well to put down my age. I am nearly seventy-nine. I am in my seventy-ninth year, and will be seventy-nine in November, so that on Lough Erne I have had very extensive fishing, and I remember when the farmers round me, my own tenants and others, that lived near the lake, all came down with rods and fished with green-drakes and had good fishing; and twelve or fourteen trout for a common countryman with ordinary rough tackle was not bad. Well, now, I can assure you I can see the green-drakes pass over this very water and not a trout looking at them. And I can assure you on a very dead calm day the trout will swim along and take the drake, but if the slightest wind comes up they won't touch the drake, and it will require some wind to disp. I attribute that to the enormous lot of fish that are hooked with coarse lines, that are not caught. They are in terror of a fly in Lough Erne now to what they were.

Chairman.

4479. Thank you, very much, but I am afraid we are getting rather from the subject, and we have many witnesses coming up.

Mr. Green.

4480. Do you know how many bailiffs are employed at the mouth of the Esk river, and the Inver and Carrick, at Killybegs?—Well, I understand you mean the bailiffs that protect the rivers in the spawning season. I don't know the number of bailiffs.

MR. ALFRED STUBBS, examined.

Chairman.

4481. Where do you reside?—Ballyshannon.

4482. What is your interest in this matter?—Well, I don't know what my interests are. I am very fond of fishing.

4483. You are a fisherman?—I am a fisherman. I have also taken a considerable part in prosecutions for a considerable number of years.

4484. Are you a Conservator?—No; a solicitor.

4485. In what capacity do you say?—As a solicitor.

4486. You know what the object of an inquiry is. Have you any information or suggestions to give us with regard to that?—I thought you wanted to know what I knew with reference to the sale to the Tervan tenants. I know what they have done. Whether it will have a satisfactory result or not I am not so sure. At all events, seven tenants who hold lands adjoining the Bundowen river about two years ago let the fishing to Mr. Blaker Douglas, who has taken it, and he has all the fishing on the Leitrim side—he has practically all of it now. He and Mr. Burt took the fishing and also the game on the Tervan property, that portion adjoining the river. The game was, I think, nearly to give them some interest in going on the lands. They gave £50 to seven tenants for five years. They gave them £20 down for that period. I don't

Chairman—continued.

think it was wise, but I think the tenants, perhaps, were wise. I think the tenants would not have denied if they did not get the sum down. At all events, they got the £20 down, and they were to mount in every way in keeping off trespassers, and if necessary to prosecute them. All I can say is that they took the money, and I am afraid nothing is carried on in that portion of the Bundowen as well as in other parts. Some before consider it was unreasonable, the bait was not large enough, and besides, it has a poor consideration.

4487. Bait bread?—That is it; so that I am afraid the money may be more or less thrown away. I don't say that they themselves fish, it may keep them from fishing. That is the result. So much a year would certainly have been, in my opinion, very much better.

4488. You don't think that there are many hargrains made like that, do you?—No, I don't. I don't think they should, at all events.

4489. And I don't think it is a useful thing. I think it is rather a bad example?—I think it is.

4490. Is there anything else?—Well, you asked something about the preservation of fishing.

4491. Yes?—Well, one thing I certainly would say, and I suppose it has been said very often before, and that is, that as much as possible, I think, one ought

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MR. ALFRED STURGE—continued.

[ENGLISHMAN.]

Chairman—continued.

to be made of the Constabulary, that is in quiet districts where there is no need to prosecute the law; and then there are parts of the country adjoining the rivers where too might be made of them very easily without interfering with their usefulness as matters of keeping the peace. I think that would be most opportune. On the Bundeless river there has been a fearful amount of poaching as long as I remember, and so, and I think they could help there considerably, and I think their help should be as much as possible utilized. And I also think that the tribunal is not satisfactory either for game or fishing at present. What I would call the tribunal in the Petty Sessions Bench as at present constituted. I have no doubt at all about it. I think if you want to have fishing or game preserved you should leave it to one or two Resident Magistrates. Of course, there are exceptions. There are some benches all right, but I don't think the general bulk, and especially the recent appointments of magistrates, are at all suited or at all an encouragement to the protection of either fish or game.

4402. Am I to take it that a magistrate who is an ex-officio member of the Board of Conservators cannot act?—He can act. There is a special provision in the Fishery Acts enabling him to act.

4403. But surely if he can act he ought to attend. Is not that so?—But he would be very easily outvoted at present, and he has only one vote. And I think also that the Executive should be more careful in their remission of fines. I think with regard to prosecutions carried out by these Conservators now, surely every prosecution costs them infinitely more than if they got the entire value of the fines, far more money; and instead of that in frequent cases, to my own knowledge, a memorial is sent in, and on the spot it is reduced, perhaps, to a nominal sum, so that the fisher won't pay one-tenth of the Conservators' expenses.

4404. We have had that, but of course you will bear in mind that it is scarcely our office here to receive this evidence?—I thought you wished to take evidence as to the means of preserving the fisheries better.

Chairman.

Quite so, but we come too near the Executive there, you know, and it does not do to trespass too far.

Dr. McHugh.

4405. You know the Euse river?—Yes; I have got fifteen salmon in one day on the road.

4406. You don't get that now?—No.

4407. There has been a great diminution of red fishing in the last fifteen years?—Well, the year I got them was 1894. For the last few years it has been very different, in my opinion.

4408. Have you any distinct reason to give why that fishery should have got so much worse?—I have. I think that the draining of Lough Erne has had some effect on it. It is an abundant fact.

4409. Is it an interference with Nature?—Yes.

Dr. McHugh—continued.

4410. But that would not diminish the number of fish that went up?—No.

4411. Do they get as many as they used to do with the nets?—I believe not. They had one good year two or three years ago.

4412. The question is, whether it is the number of salmon that has diminished or whether it is these that take the fly that have diminished?—Yes.

4413. And the nets should show whether there is a real diminution in the amount of fish?—I think there is, as far as I have heard.

4414. And you have no reason to give except the lowering of the level of Lough Erne?—Oh, I am strongly of opinion that the excessive number of drift nets now must reduce them.

4415. Now, as to the trout fishing at the foot of Lough Erne, is that keeping up?—The dropping has not been anything like so good the last few years.

4416. Do they kill the pike there?—They do.

4417. Do they kill them systematically?—I don't know that they kill them systematically, but I know it is done. Do you mean fishing for the purpose of killing them?

4418. Oh, yes?—No, I don't think so.

4419. They have not watched up to that yet?—But there is a tremendous number of pike, and that must do great injury.

Mr. Collesse.

4420. Do you think that the tenant purchasers take any very intelligent interest in the protection of the rivers generally?—I am not sanguine as to the tenant purchasers preserving the fish at any time. One thing I am sure of, that in those farms bordering the river each man will have a very small fishing, and in the natural order of things he will get very little for his bit, and if it is divided amongst a number of tenants each of them will get very little. I am speaking of the North of Ireland. There may be big farms in other places who may have a large interest, I don't think any of them up here will ever think it worth while to make themselves unpopular with their neighbours.

4421. You think it would make them unpopular?—I do.

4422. And you say then that if any indictment was given them to take a general interest in the district it would be of no use?—Well, I think it would be a very great help. I do think it would be a help, certainly, if you could make the indictment strong enough.

4423. Do you think that if there was any inducement of that kind it would ever be worth while to give representation to those tenant purchasers on the board of management, or would they ever be sufficiently interested to make that worth while?—In some districts it might. A great deal depends on the class of tenant purchasers.

4424. I am asking you, as you know the local conditions?—I have my doubts—I am speaking now of the Bundeless men—whether they would be suitable. Of course, there are some farmers capable of that, and who do take an intelligent view, but they vary.

MR. HENRY A. BURKE, examined.

Chairman.

4425. Where do you live?—I live at Bellinamallard, about five miles from here.

4426. What is your interest in the fishing, local or otherwise?—Well, I am not interested in salmon fishing. My interest is on the upper reaches of the inland rivers.

4427. What inland rivers?—Well, there is a river that passes near my place, that goes into Lough Erne, and there are smaller tributaries that run into that river and run close to my place, and, in my opinion, a great deal of the reduction in trout is owing to the destruction of the trout and a certain amount of salmon in the spawning season, in those small streams.

4428. Do the salmon come up in your river and tributaries to spawn?—They do. I have seen salmon in the streams close to my place up to eight and nine

Chairman—continued.

perch. These salmon were taken out a night or two after they came, and I have seen quantities of large trout in those streams, too, and I believe they are taken out in large all over the district in those mountain streams.

4429. It is on the question of preserving you are speaking now?—Yes.

4430. Are there boulders in the neighbourhood?—There are boulders on the large river, but I believe they are only interested in the salmon. They are not interested in the trout, and they would rather that there was not a trout in the river. They look on trout and pike and all other fish as enemies of the salmon.

4431. Now, have you any knowledge of the poisoning of properties to tenants?—I have. I have sold, as agent, a number of estates to tenants.

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MR. HENRY A. BREND—continued.

[CONTINUED.]

Chairman—continued.

4522. Have there been fishing rights on those estates?—No. Well, some of them bordered Lough Erne. There have been no fishing rights. There have been rivers running through them, but there have been no fishing rights.

4523. Was there any mention of the fishing rights, either of reservation or grant, in the orders vesting the estates in the tenants?—No, because there did not seem to be any interest. These are rivers on properties I sold where the salmon go up and spawn in the spawning season, and large trout, but there is very little fishing now in the open season.

4524. But there was no mention made of it at all?—There was no mention made of it.

4525. Did the landlord before selling make any use of those streams?—No.

4526. When really they are negligible?—In some cases he reserved the game.

4527. I am not asking you about the game?—If the game means fishing.

4528. He did not include fishing specifically?—No.

4529. Did he include the sporting rights?—He did in some cases. He reserved all in some cases, and in some cases only for his life.

4530. He did not include fishing?—Well, I don't know. He never thought of it.

4531. Then really what you have to say to us is that there is considerable destruction of spawning fish in the river that is in your neighbourhood?—Yes, and other rivers that I am aware of.

4532. Other rivers that you are acquainted with?—Yes, and I consider that there should be something to prevent trout from going up those small tributaries if they are not watched, that they should either be watched or that there should be a bar put up. Those streams where the fish spawn would supply the lakes where there would be good trout fishing, and where it is not good now owing to this destruction.

Dr. Makaffy.

4533. You fish this river opposite you for trout?—I have fished both rivers for trout.

4534. Not the trout coming up to spawn, of course?—No, brown trout.

4535. Are the brown trout of good quality?—Well on these rivers I have got them up to four and a-half pounds, but the general run would be from a pound to a pound and a-half.

4536. Do they live in the river?—Those trout live in the river.

4537. Have you any reason to think that there was not always poaching at the head waters—was there not always poaching there?—There was.

4538. And when the country was full of people there was more poaching?—Well, I don't think there could be much more in those upper streams.

4539. It is principally trout that go up?—Yes. Well, with regard to those trout that I speak of, you don't catch many that are four and a-half pounds, and those others that you catch, a pound to a pound and a-half, are not as numerous as they used to be, and a large quantity of these are taken when they go up to spawn in the spawning season.

4540. And if that was taken care of it would be a valuable thing?—It would, and people would come to fish. It is public at present, it is not preserved, except where it passes through the demesne.

REV. JOHN B. MACQUEEN, examined.

Chairman.

4546. Your church is?—Roman Catholic, and in Garrison, beside Lough Melvin.

4547. Now, you know the object of our inquiry?—Yes.

4548. And I should be glad if you would just tell us in your own words what you desire the Committee to know and give the Committee any suggestions that you have to make?—Yes. Well, I am interested in the river Erne, from Belleek to about three miles above the Falls of Belleek, and also in a certain portion of Lough Melvin that belonged at one time to the Marquis of Ely. The tenants of the locality bought out the land, and with it the sporting rights on the river Erne and Lough Melvin, and those rights

Dr. Makaffy—continued.

4541. What is the name of the principal river?—Well, it has no particular name. It is called the Ballinacallan river in the Ballinacallan district, and the Trillick river in the other district.

Mr. Calderwood.

4542. What kind of method is employed by those who poach fish going up in the spawning season?—They take them out with gills, and in some places you could take them out with your hands. I have seen them, four pounds, in a drain that width. (Witness indicates a width of about three feet). They run into small rivers about five feet wide.

4543. Are they taken before they spawn or generally after they manage to spawn?—They are taken the night after they come. The flood goes down in a day or a few hours, and then they are taken out that night or the next night. I have often gone down when there was a flood to see what fish came up and what size of fish there was, and the next day there would not be one in it.

4544. Your argument is that the tenant purchasers in this neighbourhood only take the fish outside the demesne?—Well, I would not say the tenants in general, because it is done by a few people.

4545. By a few people?—Yes, who are poachers. I believe it would be well if it was taken up by the Government. It is down in the lakes that money could be made of the fishing through people coming to fish if the fish were there, and then if it was under Government supervision and they got the proceeds of the fishing in the large lakes in the summer the fish would be preserved.

4546. At present is there not protection of fish there?—Those who are interested in the salmon fishing have water keepers, and the water keepers don't go up into those small streams and don't look after them, and I should think that the water keepers would not care if there was not a brown trout in the river.

4547. They have more interest in the salmon?—Yes, the salmon is all they really look after.

4548. And there are a considerable number of salmon spawning here?—There are.

4549. And you are suggesting that it would be better to bar the fish from the streams?—Yes, to bar them.

4550. Then to allow them to be poached if they could not be protected?—Yes, because they are inclined to run up streams that they should not.

4551. Now, if you bar them from streams where they might be poached, is there sufficient spawning area for them?—I believe there is ample spawning area in the larger rivers, that is by protecting some smaller streams that are not protected now.

Mr. Green.

4552. What do they do with those salmon that they take out in such quantities?—They salt them and hang them up.

4553. For local use?—Yes, local use. They are not good to eat fresh.

Dr. Makaffy.

4554. And not saleable?—Not saleable. No one would eat such salmon or trout if they knew it.

Mr. Green.

4555. When do trout go up?—They go up just about the same time as the salmon. They go up all together.

Chairman—continued.

were vested in trustees for the benefit of the tenants, and I suppose to be one of the trustees who are farming that for the tenants. I am also their secretary, and I am also charged with the setting of those fishing rights for the tenants and taking in the money.

4556. May I just ask you at this point, do all these tenants occupy land adjoining either the lake or the river?—No, perhaps not five per cent. of them have land adjoining those places.

4557. Does your trust include sporting rights as well as fishing rights?—Yes, it includes sporting rights, turbot, and plantations; in fact, I find the income is about £300 a year.

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REV. JOHN R. MAGUIRE—continued.

[ENSTICKILLAN.]

Chairman—continued.

4560 You have a wide area?—We have a wide area. What we do with the river Eire is this. In the Marquis of Ely's time three miles of it was let to the Erne Fishery Company, and when we came into the trust we found it most advantageous to continue that. We first tried to get individuals to take it, and we found that we might get into legal trouble, as the Erne Fishery Company had the other half of the river, the north side, and there was a mixing up of rights, so that, as they had the means of doing as they pleased, we continued the letting, and we got £20 for this part of the river, and we reserve to the tenants themselves the right to fish for legal free of charge, in other words, that the tenants might know that they had the privilege of fishing for trout, and consequently have an owner's interest in its preservation. There has been no quarrelling and no trouble between the Fishery Company and the tenants, and everything has been going on very kindly. And on Lough Melvin when we got possession, all the Marquis of Ely's rights were leased to two gentlemen, Messrs. Strahls and Johnston, and both of them were examined here this morning. They have other portions of Lough Melvin, and they have a lease of it for five years and we had to make the most of it. They gave us £10 a year for the fishing rights, and things are going on much the same way as under the Marquis of Ely. In about a year's time the lease will be up, and what the trustees might do then I am not very well able to say, but things have been going on very satisfactorily so far, and the tenants are beginning to recognise their responsibility, and they are very desirous that people should come there to fish. In fact, they would much prefer to see anglers coming to fish than to go and fish themselves, because they know that it would bring money into the country, and the farmers would sell their milk and sell their chickens, and so on, and we have a very good hotel there.

Dr. Mahaffy.

4562 At Lough Melvin?—Yes, Lough Melvin, and there are a number of good hotels about the place, and they are anxious that people should come. And I think it would be greatly to the advantage of the fisheries of the district that the tenants should have possession of the fisheries, because hitherto I believe, of course, that tenants adjoining were the greatest enemies to the spawning fish. They had no care for them. It was nothing to them whether there was fish in the river or in the lake or not, for they got nothing out of it, and the landlords, of course, prevented them from fishing, and they had no interest in it, and now they have an interest in it, and they know that the more fish there is in the lake the better it will let, and it will give them a greater responsibility. You have to wait some time till they get that sense of responsibility. The transfer of property won't engender that all in a moment, and I find in my experience that the sense of responsibility is gradually coming in on them, and I think that all the rights of all those riparian owners are transferred to the owners of the soil we will never have the fish properly preserved.

Chairman.

4563 Now, the interesting portion of this arrangement is the distribution of the income?—Yes.

4564 How do you manage the apportionment to the various tenants?—Well, we put all the income of the various trusts into a common fund.

4565 What becomes of it after?—We spend it all. We have given last year a penny in the pound in the reduction of the rates, and this year we have given threepence in the pound in the reduction of the rates. The man of the country has the game and the man of the shore has the fish, so it is a common interest, and we try to make all the tenants interested in getting all the sporting rights to the best advantage.

4566 Then according to the rates that the man pays he gets a share?—No, according to his valuation, according to his rateable valuation. We pay it over to the rate collector, and he deducts threepence from every man's valuation.

4567 Then if a man has neither land adjoining the river nor birds upon his farm, still between the two he can preserve, and he can give his voice in

Chairman—continued.

favour of preservation?—Yes. Of course, we intend to do something for the man that has no game on his land. We intend also making roads in the bog, so that every person will be interested in making a good pool.

4568 So that when a man has not birds on his land he can readily contribute to the preservation of the game by looking after it when he is on the bog?—And also have. No doubt with a few hares on his land it may become valuable.

4569 What is the income of your trust at present?—It is about £100 a year.

4570 Can you give us what the rateable valuation is of the tenants who share in this?—It takes £21 to give a penny in the £. I think the Melvin fishery, which is a very wide one, could be greatly improved, and I just want to say one or two things about it. It may be improved in two ways. I think one would be by letting the fish up the river that flows into Garrison. There is a large fall there, and if that fall were made accessible to the fish they could go up to gravelly beds, and they can't go up now, and the portion below the fall is rough and they can't spawn.

4571 Is it a natural obstruction?—Yes, a natural obstruction.

4572 Is it rocky?—Yes, rocky.

4573 Is it solid rock?—Yes, solid rock.

4574 Even in flood is there no passage in it?—No.

4575 They can't get over it?—No. It is called the Ragagh. It goes through the loam of Garrison. And also there were some complaints this year about the mouth of the Bandrover river. The people were complaining—I really have no personal knowledge of it but the people were complaining, that undue obstructions were put to the salmon going up the mouth of the Bandrover.

4576 Nothing?—Well, I think the turning of the stream into one channel so that they could not go up, and obstructing generally the King's pass. I can tell that. That was the complaint that was made, and of course there is a great deal of netting in the Bandrover river; and I think till the tenants there get interested in the setting of it our lake will never—

4577 Be as good as formerly?—Yes. If you could give the tenants the same interest there as we have up at the Melvin everything would go on better.

Dr. Mahaffy.

4578 How many trustees are there?—Twelve.

4579 Are they elected by the people?—By the tenants themselves.

4580 Are you the parish priest of that place?—No, I am the curate. I am the secretary of the trust.

4581 Is there any other Catholic clergyman in it?—Yes, the parish priest; and the rector of the parish. In fact, the clergy of the place are ex-officio members.

4582 I suppose the whole body of the tenants are Catholic people?—Well, I should say three-fourths of them.

4583 Have the Protestants a large interest in the banks?—Well no, they are all small farmers; no great interests.

4584 Now, are you a man of this country, were you always amongst them?—Yes, I was. At least, I was not in the parish, but I was in a neighbouring parish. I knew the farmers very well.

4585 You are one of themselves?—One of themselves.

4586 You have no quarrels?—We proposed at one time to make a road, and some of them thought it would be better to put the money in their pockets than to make the road.

4587 You publish a balance sheet?—Yes. We have not expended very much up to the present. We gave a penny in the pound last year and threepence this year, and we are promised £100 for making a road on the bog.

4588 The man who is shooting, up at the head waters, has an interest in protecting the salmon going up there, because he gets his share of the fishing as well as the shooting?—Well, the man who is shooting is not fishing.

4589 But it is all in one pool?—Yes, it is.

4590 It gives him an interest in the fishing?—Yes, that is so. We want to try to interest everyone.

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REV. JOHN R. MANNING—continued.

[ENGLISHMEN.]

Mr. Calderwood.

4591. How many tenants have you?—440 or 450. It is called the Garrison portion of the Marquis of Ely's estate.

4592. You don't run up as far as Killybegh?—No, that is quite a different parish. That is in the County Leitrim. We run just to the village of Garrison, and then down to Belleek, and then we go right up to the top of the mountain. We run to the electoral division of Churchill on the top of the mountain.

Mr. WILLIAM NIXON, examined.

Chairman.

4595. Where do you live?—Belcoo.

4596. What is your interest in this fishing question?—I am a fisherman and a resident of the country.

Dr. Mahaffy.

4597. Where is Belcoo?—Near Blacklion, due west of this.

Chairman.

4598. You know the object of our inquiry. Would you let us have your observations and suggestions?—Well, the fishing round my neighbourhood is not of much value. It is certainly at present of no lettable value. I don't think you could get anybody to take any river or lake there for the purpose of fishing.

4599. What are the rivers?—Lough Macnean and the Arney and Blackwater, and then there is the Shannon, about five miles off. The fishing is not good.

4600. It is not lettable?—Not very lettable.

4601. And could it be made so?—Well, I think it would cost more money to make the fishing valuable than you could ever get back from it. That is my opinion. The rivers are small, and this year most of them are practically dry.

4602. This is an exceptional season?—It is an exceptional season, of course.

4603. Have any of the properties adjoining this lake or through which these rivers pass been sold?—Practically all.

4604. Was there any mention of the reservation of rights?—Sporting rights. I don't think fishing was mentioned.

4605. Because it was of no account?—Because it has been up to the present not of very much account.

4606. Anyone might fish?—Anyone might fish, except Lord Enniskillen's river. He owns the Claddagh, and that is preserved.

4607. Have circumstances changed since the estates were sold?—No; things go on just the same as ever.

4608. Have you any poaching in any of the rivers there of the salmon that come up to spawn?—Yes, poaching with nets and gaffs. I know one river, a very small one, but a very good river, indeed, and every year when the food gets high enough they fish it, and when it gets low they lime it, because lime is very bad, even worse than nets.

4609. Is the spawning season on those tributaries watched?—No. The Arney is and the Claddagh. They are watched by the men of the Ballyshannon Fishery Company. The rest are not watched at all.

Mr. JOHN SWAN, examined.

Chairman.

4621. You are Manager of the Erne Fishery?—Yes.

4622. Just give us in your own words what you have to say on this question?—I have no experience of the change of ownership of land, except in the case of the Marquis of Ely's property, where it is working fully well.

4623. Have you anything to say in addition to what has been said with regard to the working of the scheme on the Marquis of Ely's property?—No. Of course, we rent it from the present occupants. We get the protection and they get the money.

4624. Of course, as Manager of the Erne Fishery Company you have considerable experience of fishing matters?—Yes.

Mr. Calderwood—continued.

4609. You say five per cent. of the tenants are men who have fishing rights?—I would say about that. It is a rough calculation.

Chairman.

4598. We are very much obliged to you. The evidence that you have given us is very gratifying to me personally, and I am sure to the other members of the Committee.

Chairman—continued.

4610. Do many spawning fish go up these rivers?—Not very many. A fair number, but not very many.

4611. You have heard it suggested that these rivers should be barred at certain places?—Yes.

4612. In order to prevent fish going up? Has that ever struck anyone's mind about there in connection with it?—It certainly never struck mine.

4613. The objection taken to that is, that at the point where the bar has been put the fish would congregate, and would, therefore, be quite available for poaching to accept them out?—Yes; they must spawn some place. One thing that I should like to mention is that the fishermen that are letting waste run into the rivers are doing a considerable amount of harm.

4614. How?—I will give you an instance. There is a river there running into Lough Macnean on which there used to be about four or five hundred yards of very good brown trout fishing. On a good evening you would get a couple of dozen. I often took them up to four and a-half pounds four or five years ago. But there was a creamery established just by this river, and for the last two or three years there are no trout caught there. There might be one in the season.

4615. The outflow from the creamery, you think, has destroyed the river?—I can't say that, but evidently the creamery has put the trout away from that part of the river.

4616. What sort of waste runs from the creamery?—Well, some milk and oil, and things of that sort, and some chemicals, very pestibly.

Dr. Mahaffy.

4617. What would you get on a good day at Lough Macnean now?—Well, on the lower lake we get practically nothing, but taking the average, and things of that sort, on the upper lake (it is not much fished, for brown trout don't take the fly there very well), I have known two or three good brown trout taken out by trawling with the island—two or three in the day.

4618. There is no use in it unless you kill the pike?—Unless you kill the pike, but the lakes are fairly large, and it would be a difficult job.

4619. You know something about the spawning beds?—Yes, there is no protection of the fish running there.

Mr. Green.

4620. Do any people come there to fish for pike?—No. Perhaps one man very occasionally goes for the day, and that would be all.

Chairman—continued.

4625. Apart from the Marquis of Ely's property, would you give us any information or suggestions on the general question?—William—Do you mean angling or netting?

4626. Both. Give us angling first?—Of course, if you extend it to angling, I don't see any river where you could extend it to where it is not already, if the fish don't go there till the close season. Since the drainage of Lough Erne they don't go into these streams. They are kept in the lake during the summer time.

4627. The difficulty of the whole question is the spawning season?—The spawning season.

25th July, 1911.]

Mr. JOHN SWAN—continued.

[ENCONTREMENT.]

Chairman—continued.

4623. What have you to say about that question, which is of vital interest to you, for if the fish don't spawn the numbers must be diminished?—But the numbers are diminished.

4624. And if they don't go up from the sea they cannot spawn?—Those nets hinder them from coming up a bit. We are not fishing so much as we did.

4625. So the fishing is getting worse?—It is getting worse, and the spawning fish are getting smaller. Last year we had not as many ova by thousands as the year before, and that would apply to all the rivers as well. We were getting spawning fish of three and four pounds, and we used to get those eight and ten. All the good fish are killed at sea.

4626. How many years has that been going on?—Well, it is yearly going on.

4627. How many years is it since you commenced to perceive an appreciable difference?—Well, for the last nine or ten years it is getting even worse. We have only had one decent season all that time.

4628. What was that?—I think two years ago.

4629. How do you account for the intervening decent season?—Well, the weather has a lot to do with it.

4630. When they can't go out to drift?—When they drift it is just to cut them off, so if you closed a gate actually. This year we had two fair weeks.

Dr. McSherry.

4631. How many years are you managing this company?—Eighteen years.

4632. You know as well as I do the disimprovement in cod fishing?—Yes.

4633. And what do you think that is due to?—I think the state of the water in the rivers has a lot to do with sagging.

4634. It used to be very good, and it is not now?—It started very good this year, and then the water in the rivers fell so very low.

4635. Does not the lowering of the level alter the conditions of the rivers?—Yes, it makes less water in the river.

4636. And the lowering of the level is, perhaps, one of the reasons why the fishing is so much worse?—I think the weather has a lot to do with it, and I think it is due to the dry weather in this year and the lowering of the level also.

Mr. Colderwood.

4637. In my idea right, that you think the reason why you get smaller fish as spawning fish now is that the larger fish are taken in the nets at sea?—Yes.

Mr. JOHN JONESTON, examined.

Chairman.

4638. Where do you live, Mr. Johnston?—At Biddenden.

4639. And what is your interest in this question?—Well, I am a tenant on the Tevern property and the tenants have the fishing rights, but there is only a number of them that have land on the river, seven.

4640. And you are one of the seven?—No, I am not one of the seven; but there is a stream that runs right off that crosses a little V of land to come in between me. I am between Leighton and Denogel. There is a little V that runs between the river and my land, and the seven owners along on the river have sold their fishing rights to Mr. Burke for something about £40, £5 each.

4641. And you, then, are not one of those who derive any interest from that?—No, sir.

4642. Have you anything to say to us now on the subject of the fishing?—I believe that if all the tenants on the river had an interest the river would be preserved. I can say that since those seven tenants have sold their interest, or if they were getting anything out of it, they are most particular men to see that the river is preserved, and I do believe that if tenants had an interest in the river it would be preserved.

4643. You say that they have sold it?—Well, they gave the rights of it by the year. I think it amounts to £1 14s. 3d. each one of them gets by the year, of those seven tenants.

4644. Then you think that the number of tenants who are joined in this is not sufficiently large to ensure

Mr. Colderwood—continued.

4645. And do no heavy fish run at the end of the year?—No; the spring fish all run in the month of May, and June.

4646. What is the reason the drift nets don't catch the spring fish?—I suppose they are not numerous enough.

4647. And I suppose there is no run of heavy fish coming into your river after the close season, is there?—Well, there may be some, but very few.

Mr. Green.

4648. Are you able to get any of your spawning out of those streams that we heard of a while ago as being so terribly poached?—Well, the Bellinamard river. Mr. Burke has two or three small streams, and those are within half-a-mile of each other, and they are only just like a ditch and the fish love them—the brown trout, you know—and go on till there is a flood, and they are left practically dry there.

4649. And we have heard salmon go there too?—I have not seen salmon there.

4650. Are these salmon spawning streams like that that are very dangerous?—Yes, if the salmon go in those streams they could not get back.

4651. And you don't get any spawn for fish hatcheries on those streams?—No, we don't.

4652. But it is the very place where spawning would be taken?—But if there was a grating or sieve at those small streams at Bellinamard they would be preserved.

Mr. Colderwood.

4653. Your company does not fish in the lake at all?—No.

4654. What sort of fishing is that with bag nets in the lake?—They just make a bag net and pull it along.

4655. That is a most destructive thing?—Most destructive.

4656. Who practices it?—The people on the lake above just.

Dr. McSherry.

4657. There is one thing I don't understand. When I used to fish the Frise we used to get the heavy fish in September?—Yes.

4658. You seem to say that the spring fish come in early?—Yes, in May and the first part of June, but if they had to stop in the river from the month of May on to December they would be diminished.

4659. These spring fish don't come up late?—No; I have never seen them coming up late. Our experience is that they come in the early part of June, and May.

Chairman—continued.

preservation?—I do believe that. I do believe that if the tenants on the river had an interest in it the river would be preserved. But the river is blocked up at the mouth. It is there all the fish is caught, and there is very little going up the river. And with regard to poaching, unless the tenants have an interest in the river, I do believe that if there was a policeman within 300 yards of it you could not stop poaching, but if the tenants had an interest in it it would be preserved, because I can see by those seven tenants that they automatically watch it because they have a little interest in it. They have only about £1 14s. 4d. or something by the year, each one of the seven, and I see that they are very particular, and I do believe that the rest of the tenants would be in the same way if they had an interest in it.

4660. And it is an increasing thing, and will be more valuable in future if they take care of it?—Yes.

4661. And they can make better terms by-and-by, they can get their property for themselves?—Yes, sir.

Mr. Colderwood.

4662. What is the size of your holding?—Forty-nine acres.

4663. In that about the average size of the farms round about?—No, sir; some of them are larger and some of them are smaller, but not much of them larger.

30th July, 1911.]

MR. JOHN JOHNSON—continued.

[BROOKFIELD.]

Dr. Makoffy.

4669. And a great many smaller?—A great many smaller. In general, there is only one form in that place as large as mine is.

Mr. Green.

4670. You are not fishing there yourself at all?—No, sir.

4671. Some friend of yours?—Yes, some friends of mine.

Chairman.

4674. Where do you live?—At Castledavid.

4675. What information can you give us or what suggestions can you make to us?—Well, I have not been very long in the locality, but I have lived on the lake chiefly. I have an island.

4676. Are you a fisherman?—I am very fond of fishing.

4677. You live on an island?—For the last two years I lived on an island up to a couple of months ago. I was on an island called Glasties, out in the lake.

4678. Have you property?—I bought some property lately.

4679. And rented the island?—And rented the island. And I think that the suggestion of putting up some bea to prevent the fish from going up the small shallow places on the rivers would be a great help to preservation. You said it would make it easy for poachers to take them, but it would be so much more easily watched, and if the Constabulary gave their support it would be of great assistance. I consider the fishing industry could be made very valuable, from my observation of the fishing with cross lines. The cross line fish on the lake, and on an average they take from sixty to seventy pounds of trout sometimes in a day; so that shows that it could be made a valuable industry.

4680. Well, have you considered the question of the tenants' interest in the fishing when estates are sold?—Well, I have not much interest that way. I fancy it would work very well, because if they don't give substance in the preservation it is useless for anybody else to try.

Chairman.

4693. Where do you live?—Kesh.

4694. Are you a tenant farmer, or what interest have you in this question of fishing?—I was a large tenant farmer, but I sold my farm.

4695. Then is your interest in this fishing matter, are you a fisherman?—Yes, I am a fisherman.

4696. Where do you fish?—I fish in the Erne.

4697. Would you tell us now anything that you think will assist us in this matter that we are inquiring into?—My opinion is that the protection of the spawning fish is a month late. The fish come up in August and September and there is no protection at all, and they come up and are killed there by anyone that likes to kill them up the river. The protection on our river is not till the 1st of October, and that is more than a month late.

4698. Who are the elected Conservators for that district?—It is the Ballyshannon district.

4699. But you know that on the Board of Conservators of the Ballyshannon district each member looks after his own particular district and part of the river. Who is the local representative?—Mr. Swan is the real representative, the head man. He is the Manager of the Ballyshannon Fisheries.

4700. You say that protection is given late?—It is a month late, and over a month late.

4701. Have you any other suggestion to make?—I have a suggestion that on a river that is navigable for boats there should be protection given as far as it was navigable, and the fish should not be allowed to go up beyond that, because when they go up they never come back again. They are poached up the river and never come back, and in my opinion that plan would be effective.

Mr. Green—continued.

4692. And before Mr. Blacker Douglas took the fishing they were fishing themselves?—Yes; they fished themselves. They had the fishing rights bought out on the other side. A great deal of my friends are on the other side, and I have some friends that have almost half-a-mile of the river.

4693. That is on the west side?—On the south side of the river. A man won't care about preserving the fishing of a river if he takes no interest in it. If all the poachers in the country came along there he didn't care, he took no interest.

Dr. Makoffy.

4681. Now, you talked of cross-line fishing, but you are chiefly a red-fisher?—Yes.

4682. You talked of cross-line fishing being so valuable, but fishing with cross-lines destroys red-fishing, and is not red-fishing much more valuable than cross-line fishing?—Quite so. I only mentioned that to show that there is a great deal of fish, and that the fishing could be made valuable. Of course, I would much prefer it to be confined to red-fishing, I need not tell you.

4683. And it is a valuable property?—Yes.

4684. And people come there?—Yes, quite so. In the place where I lived dapping was very good, and I have noticed since I came here that the fish are reduced in size very much in comparison with what we used to get three years ago—six and seven pounds weight.

4685. Why is that?—It is because, perhaps, so many of the large ones have been caught.

4686. What do you call a good day's dapping?—I consider four or five fish would be a good afternoon's dapping.

4687. They would weigh twelve pounds?—Yes, and twenty pounds.

4688. Are there not a lot of pike there too?—I have not noticed them very much. The pike have been destroyed greatly.

4689. Where?—I noticed that it was done by people poising them. They have been allowed to net them in the spawning season.

4690. As Sir John Leslie does on his lake?—Yes.

4691. And that would keep the pike down?—Yes, provided the netting was confined to the pike.

4692. But the fishing is good still?—Not this year.

MR. GEORGE ALLENSTON, examined.

Chairman—continued.

4702. Then you would not let the river be open to spawning fish further than it would be navigable by a boat?—I would put down some wire fencing. I would not let them any further up.

4703. Don't you think that you would lose a large length of very valuable spawning beds by such a restriction as that?—There is any amount of ground for them to spawn upon the river up to that, and even the greater part of them spawn about the gravelly beds in the shores of the lake, for I see where they do spawn.

Dr. Makoffy.

4704. You can't make them do what you like always. You might spoil your spawning altogether?—But you see there are fish, plenty of them, so spawn is from that to the foot of the river.

Mr. Green.

4705. Don't you think that the obstruction that you talk of would lead to flooding of the land?—No, I do not.

4706. Suppose you put a wire netting across the river there and allowed the grass and stuff coming down to lodge there, will there not be floods?—I would keep a man upon it, a water lifter, that would keep that right.

4707. If you keep a man there you may as well keep him to watch the salmon?—When they go up they are not watched. They never come back again.

4708. Anything like an obstruction of that kind would want to be watched?—It would, but it would be easier to watch that than to pay water lifter and scatter them over the river here and there.

25th July, 1911.]

MR. THOMAS PARSONS, EXAMINED.

[BRIMKILLAN.]

Chairman.

4709. Where do you live?—Glenfer, Garrison, Co. Fermanagh.

4710. Would you give us the benefit of your observations on this question?—Well, I am one of the trustees of the Marquis of Ely's property, and I derive some benefit from the fisheries of Lough Erne and Belleek and the fishery of Lough Melvin at Garraun, and it goes in connection with the rest of them for the benefit of the tenants, and it is a good deal of use to them in the selection of the votes or a penny in the pound, as our Rev. Chairman told you before, in the

Chairman—continued.

March rate, and threepence in the pound in the September rate, and we have paid money for the right of way into the bog.

4711. You were present when the Rev. John Maguire gave his evidence here?—Yes.

4712. You heard what he said?—I did, sir, and I corroborate it.

4713. And you have not much to add to it?—I have not. That is a fact.

4714. And the account given of your management of the estate is very good, indeed, and very gratifying to us?—Thank you.

MR. DENIS TIMONY, EXAMINED.

Chairman.

4715. What have you to state about this matter?—Well, the only remark I have to pass to you is owing to the way that the rivers are not looked after in the spawning season. You see in the close season the whole fishing is destroyed then when the fish are going up to spawn.

4716. Are you a tenant farmer?—Yes, sir.

4717. On what estate?—The Marquis of Ely's.

4718. And therefore, I suppose, you agree with the observations that have already been made with regard to the management of the Marquis of Ely's estate?—Oh, yes, but then from time to time I have been travelling over the whole place and up these rivers, and I have found there no one to look after the spawning, and I have lifted the nets in different places.

Dr. Mahaffy.

4719. Outside the Marquis of Ely's property?—Well, in different parts.

4720. But if you are a trustee you look after the Marquis of Ely's property and see to that?—I have nothing to do with it. I am only a gamekeeper. I have nothing to do with the rivers, and then the tenants don't care very much, and gentlemen coming to stay in the hotel won't stop as it becomes there is not sport for them, for the fish can't get up the river. Any salmon caught this year were all scraped with net mounds on them, constantly since the fish of March.

Chairman.

4721. Did you represent all this, or does anyone report this to the Conservators?—No one reports it.

4722. Perhaps they will hear of it now?—Well, it is not reported or looked after at all. And then there is a lot of cormorants and herons on the shore, that come in on the river and destroy a lot of the fry. I have often seen 100 and 150.

MR. JOHN FLANNAGAN, EXAMINED.

Chairman.

4723. Where do you live?—Garrison.

4724. Are you a tenant farmer?—I am a tenant farmer. I may as well tell you I am a trustee on the Ely estate, and I endorse every word that Father Maguire said here, because I am a fellow-worker with him in all.

4725. And you are doing it very successfully?—Oh, we are working very successfully as far as we think ourselves.

4726. And I am sure other people would think so too?—But some portion of the tenants were inclined to go against us, but they are all coming round.

4727. You know there is such a thing as a healthy discontent?—Certainly, and it is useful sometimes.

4728. You endorse everything that was said. Have you anything to add to it?—Well, there are a few minor things that I would wish to add to it, but it would be hardly in place. There is a bad, the cormorant, on Lough Melvin, and it is a great destroyer of the trout fishing on the whole lake.

4729. Is there not a gun anywhere?—But there is no inclination to shoot him on either lake. I believe there is something about not shooting a cormorant, but I think the shooting of the cormorant would improve the trout fishing, if the keeper got a small fee for shooting him.

Dr. Mahaffy.

4730. Don't the cormorants breed at the mouth?—No, they don't, but the herons do.

Mr. Green.

4731. Is the part of the place that you look after above the Marquis of Ely's?—More in the Bundrows direction.

4732. Towards the Bundrows?—Yes.

4733. Do you go right down to the Bundrows?—Oh, no, the property ends only three miles from Garraun.

4734. Who employs you?—I am employed at present by Mr. Ellis for the shooting at Cetrino Lodge. I am employed by the trustees for looking after plantings and islands—the timber.

4735. You look after the whole of Lough Melvin, more or less; you know the whole of Lough Melvin?—I know the whole lake very well. I am fishing on it these thirty years.

4736. There was plenty of water in the Bundrows this year to bring the fish up?—There was a nice time for grilse to come up in the beginning of May and early in June as I ever saw, and we did not get our good grilse this year.

4737. But you had a good deal of spring fish?—We had. They could not prevent them in the high water in January and February.

4738. And what do you think stops the salmon?—Of course, they are killed below in the boxes, and, as far as I hear, it is all damned up.

Dr. Mahaffy.

4739. Where does he breed?—He breeds about the sea. My land lies on the very lake, and I have frequently seen on one day a hundred pike me, and scarcely one that had not lifted a fish. And then, as far as the salmon fishing is concerned about Melvin, ten years of how the Bundrows is managed will run it, so that there won't be a salmon in the lake if there is not something done to root out the obstructions that are thrown in. I won't name the interested parties at the bottom, but if there is not something done to root out the obstructions that they are putting in year after year the salmon fishing will become extinct on Melvin. Then as to the trout fishing, I would say that the keepers are not paid high enough to warrant them in giving close attention to their work. They are only paid £3 a year, and I think that is too little.

Chairman.

4740. Is there anything else?—No, there is nothing, except if you have any question to put to me.

4741. We have got the information as to this estate very fully from Father Maguire?—There is not one point but he and I went over, and certainly every word he said I endorse.

22nd July, 1911.]

MR. JOHN FLASAGAN—continued.

[ENDEAVOUR.]

Mr. Green.

4742. Did you bring the question of the killing of the conscripts at all before the Conservators?—No, I did not.

Mr. Green—continued.

4743. Are any of your people represented on the Board of Conservators?—No, we are not, unfortunately, because I would bring it before them if we were.

MR. JAMES CLEARY, examined.

Chairman.

4744. Where do you live?—Bellevue.

4745. What is your interest now in this matter?—There is no good in my keeping you after what Father Maguire has already gone over. I am one of the trustees, and there is no use in taking up your time. I endorse everything he said. With regard to the preservation or increasing of the salmon, I think there is no other source of destruction equal to the pike on the lake. The pike is the chief source of destruction, that and the spawning beds up the streams. They should be more strictly looked after. Those are the two sources of destruction when the salmon go up.

Chairman—continued.

but there is a natural tendency of owners of salmon fisheries to kill the goose that lays the golden egg. They don't let the fish go up in the river, and especially when a man takes it for only a few years, he will wish to take all that he can out of it and leave nothing for the coming man.

Chairman.

Gentlemen, I think that closes the inquiry here, and we have received a great deal of valuable and gratifying evidence.

The Committee adjourned.

TWELFTH PUBLIC SITTING.

WEDNESDAY, 6TH SEPTEMBER, 1911.

AT 11.30 A.M.

At the Courthouse, Carlow.

PRESENT:

THE RT. HON. MR. JUSTICE ROSS (in the chair).

REV. JOHN FORTLAND MERRITT, D.C.L., LL.D., C.V.O.
MR. STEPHEN GWYNN, M.P.

MR. W. S. GARDIN, C.A.

MR. R. H. LEE, Secretary.

MR. J. H. JONES, examined.

Mr. Justice Ross.

4746. What are you?—I am the Clerk to the Board of No. 2 of Waterford District. This No. 2 or Waterford District is, next to the Limerick Fishery District, the largest in Ireland. It comprises the watershed area of the three great rivers, the Suir, the Nore, and the Barrow, with that of some minor rivers, a total area of 2,762 square miles. The district includes part of the County Waterford, part of the County Wexford, the County of Kilkenny, the County of Carlow, the County of Kildare, Queen's County, King's County, part of the County Tipperary, and part of the County Limerick. The total waters consist of the conjoined waters of the Suir, Barrow, and Nore, comprising from Ovenside Head in the Waterford Harbour to Rosshill Point, where the Suir joins the conjoined Barrow and Nore, a distance of 85 miles, and also the following tidal reaches: namely, the Suir 24½ miles, the Barrow 21 miles, and the Nore 7 miles, a total of 52½ miles. The fresh waters of the river Barrow from the tidal limit at St. Mullins to Athy comprise a distance of about 41 miles, while the principal tributaries in the counties of Wexford and Carlow, and in King's and Queen's Counties comprise about 164 miles of spawning ground.

4747. Do you say 164 miles of spawning ground?—The total extent of the tributaries amounts to 164 miles, the greater part of which would be spawning ground. The Suir has a total length of 114½ miles, and its tributaries comprise a total length of 263½ miles. The Nore has a total length of about 87 miles of fresh water, and its tributaries comprise about 121 miles. These figures will give some idea of the great extent of waters to be preserved in the Waterford Fishery District. The funds for the protection of this

Mr. Justice Ross—continued.

large district are derived from the licence duties on the fixed and movable engines for taking salmon and trout, and also from the duty of 10 per cent. on the valuation of several fisheries. I have prepared here a chart that will show you the fluctuations in the licence duties from the year 1860, and I would observe that from the year 1886 there was a very rapid decline in our licence duties till you come to the year 1902, from which it shows a slight rising gradient, then followed by a slight fall, and I am glad to say that recently we have a slight increase.

4748. About how much at present does the amount come to?—For 1910 the total amount was £264 7s.

4749. For the whole district?—For the whole district.

Dr. McKeefy.

4750. Are you able to account to us for these ups and downs?—No, we; I merely show the variation of the amounts.

4751. You have no account to give why they go up and down?—No, sir, I have not. We reached the summit in 1885. There was a very productive year in 1883, and the licence shot up and reached their maximum in the year 1885.

Mr. Justice Ross.

4752. Is a licence taken out when the season is known to be a good one?—Well, it is; the fact is, when there is a run of fish a number of people take out licences that otherwise would not. I may mention that the funds of the Board for a considerable number of years have been quite inadequate to meet the cost of protection, and business was only carried on by means of an overdraft obtained from the Bank of

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Mr. J. H. JENSEN—continued.

[Contd.]

Mr. Justice Ross—continued.

Ireland upon the security of the license duties lodged on bank. To such a condition did matters come that in 1870 grants of £200 in aid, made by the Department of Agriculture and Technical Instruction (Fisheries Branch) in each of the years 1892, 1894, and 1895, with a grant of £150 in this year, the bank overdraft would have exhausted the assets of the Board. The funds available for preservation are quite inadequate for effective protection, and the business is only carried on with the greatest difficulty and with the most extreme care. The main object of preservation is to increase the stock of salmon and develop the salmon fisheries, a most important industry and a great source of wealth to our country; and the most important point in the work of preservation is to facilitate the ascent of salmon to the breeding streams and their protection thereon in the close season, from October till February. Unfortunately a large amount of funds has to be spent in the open season keeping on a staff of baillies to prevent illegal net fishing in the weekly and nightly close times owing to the short-sighted greed of the net fishermen, who cannot be brought to see they are robbing themselves by causing a useless expenditure of money that would otherwise go to increase their wealth by a better protection of breeding fish. I look on this open-season expenditure as unproductive as distinguished from a productive expenditure on the tributaries. The salmon fisheries cannot be in a sound condition without a plentiful stock of fish being allowed to reach the fresh waters. The policy of the weekly close time is not only to allow the fishermen in the upper reaches of the river a fair proportion of fish, but also to give the salmon a chance to reach the spawning rivers, and there to increase and multiply their species. It stands to reason that the greater the number of fish preserved in the fresh waters the more productive will be the commercial fisheries. The result of the curtailment of netting in some Scotch rivers and the consequent increase of salmon in the fresh waters has proved the truth of this. Salmon having reached the fresh waters after having escaped the multitudinous nets of the tideway should then be allowed a chance, and should no longer be in danger of being netted. The earliest fish to reach the fresh waters are the earliest and best spawners, and these are the fish to be destroyed by fresh-water netting. Now, nets can only be used in the tideway at certain stages of the tide, whereas nets in the fresh water being independent of tide can be used at all times unless in floods; and, also, as salmon stand in certain well-known haunts in fresh waters, they can be swept away without a chance of escape. Besides the vast injury thus done in destroying the parents of future stock, there is also the large and unproductive expense of having a staff of baillies to prevent those fresh-water net men breaking the law by fishing in the weekly or nightly close time (and night is the best time for fresh-water netting), and by fishing near mill-races or navigation weirs, etc.; and this useless expense runs up the money that might profitably be employed to increase the wealth of the nation in protecting the breeding streams. A baillie would be necessary to every fresh-water net if located at any distance apart; and apart from the destruction of salmon, as a stamp net only carries a licence duty of £1 10s., and as a baillie's wages would be, at a low figure, £2 per month, it will be seen how losing a business fresh-water netting is to the community, though a most lucrative business to the individual netter. I look on fresh-water netting as a great factor in the decline of salmon fisheries. The great Norwegian authority, Landmark, has proved how salmon increase if allowed to occupy all the upper waters of a river during the open season. The Canadian fishery law, as you are doubtless aware, forbids any fish being killed by netting in the upper waters. Angling alone is there legal. This has been in force since 1889 to the great success of the fisheries; and in Norway, Sweden, etc., fresh-water netting for salmon is illegal. When legislation was introduced in 1883 for opening gops, etc., which inflicted injury on weir owners it was not with the intention that the salmon should be netted in the upper waters. The Legislature would not have opened gaps in weirs or abolished fixed engines in the

Mr. Justice Ross—continued.

tideway merely to transfer property to net men in the upper waters or enable them to sweep away the fish with gops. Fresh-water netting being time a modern industry the value of which is covered by Act of Parliament, it should be subject to statutory legislation. Were it not for the activity of the Royal Irish Constabulary in suppressing illegal fishing methods would be far worse than at present. I put forward these observations solely in the interests of the fisheries in their commercial aspect and totally irrespective of any sporting interests of anglers. It must be borne in mind that there are many poor professional anglers who deserve consideration, but even to deprive amateur anglers of the little sport they at present obtain would be to act in a disastrous way on the commercial salmon interests, for it would destroy the interest that many gentlemen take in looking after the spawning rivers, deprive them of their financial share of the salmon that at present reach them, and also deprive them of all interest in salmon protection, to the consequent public loss in the further deterioration of what might be, with enlightened legislation, one of our most lucrative national assets. It must be recollected that the producers in title of these new-made owners of several fisheries in the Barrow never exercised their fishery rights in a manner destructive to public interests, as the present owners are commencing to do by netting. The late owners did not transform a private right into a public wrong, as the present grasping (heavily, so far, but few) riparian owners are doing. They are exercising a right, technically incident to their new purchase, for which they paid nothing, but their fishery rights should not be exercised in a way fatal to the general weal. Well, we are very fortunate in having a by-law which prevents netting in the fresh waters of the Barrow. The celebrated case of *Murphy v. Ryan* was a leading case, in which it was held that a claim of the public to fish in fresh waters cannot be maintained, and since then very few new fishers of the Barrow; but in the year 1905-1906 a number of tenants of riparian holdings purchased from the Estate Commissioners with the sporting rights.

Dr. Macgilly.

4753. Whose estate was it?—I don't know the name. [A gentleman present here mentioned that the Roman Catholic Bishop was the owner.]

4754. And he sold the sporting rights to the people?—The sporting rights go as a matter of course with the purchase of the property.

4755. It is not a matter of course at all?—I take it that in this case he did not reserve the sporting rights.

Mr. Justice Ross.

4756. Were the fishing rights always reserved up to the time of the sale under the Land Purchase Acts?—They were. There was no net fishing.

4757. Was there angling?—Angling? Yes.

4758. And was that by leave of the proprietor?—That was, I take it, by the leave of the proprietor.

4759. Now, tell us what change has taken place since the sale?—Well, in the year 1905-1906 Nicholas Byrne, of Fennell Court, whose land adjoined the Barrow, got a view and commenced to fish. Well, he did not appear to have very much success. First of all he took out a seine net which was quite inadequate, and then he took out a trap net. They were noxious at the work, and they did not kill very many fish; but next year this Nicholas Byrne's brother, James, began to fish again and had an experienced crew, and they also obtained the leave of three or four adjoining purchasers, and they killed a large number of fish. Well, then, far-seeing what the result of this net fishing would be, there was a memorial sent in to the Inspector, and an inquiry was held, and the Inspector proposed a by-law by which netting any fish in the fresh water of the river Barrow save by set nets was prohibited. This matter came on appeal before the Privy Council, and after a very long argument it was sustained by the Privy Council, to the very great advantage of the river Barrow.

4760. So there is no net fishing on the river Barrow?—We are very fortunate as regards this river that

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Mr. J. H. JAMES—continued

[Contd.]

Mr. Justice Ross—continued.

there is no net fishing on it, but the observations I have made are applicable to other rivers, the Suir and the Nore. Thus was one of the matters I gave evidence on, as you will see by page 72 of the report of the Commission of 1890.* That was a matter that I forever was coming.

4761. Give us the substance of the evidence?—The substance was this, that I advocated the total prohibition of net fishing for salmon and trout in inland and fresh waters, having regard to the destructive effect of such netting, and to the purchases by corrupting tenants of holdings bordering on salmon rivers and their acquisition thereby of rights of a several fishery in such rivers, which rights will be exercised in the most destructive and persistent manner without special legislation.

4762. As regards the Barrow you have told us that by a by-law which was sustained by the Ferry Council all net fishing in the fresh water has been abolished. Now, tell us as regards to the river Nore, are the riparian owners there purchasers under the Land Act?—Well, net fishing by the newly-made proprietors has not of late sprung up to any great extent, but I anticipate when the men see the value of it that it will very readily.

4763. Is there any net fishing on the river Nore?—There is. On the river Nore in the fresh water we have eight snap nets at present. They fish with a net between two nets, called a snap net. There are eight of these nets.

4764. How long has that been going on?—I have been in office since 1881, and it was going on before that time. At one time the proprietors on the river Nore thought that the net men had acquired a public right by long-continued use. Well, I took up the matter, and having Murphy & Ryan at my back, I brought forward a case where I prosecuted men for fishing without the written leave of the proprietors, under the 5th and 6th of Victoria Cap. 100. Well, that case went to the Queen's Bench, The Queen (Mormsey) v. The Kilkenny Justices, and we carried our point. That was the means of preventing snap-net fishing without the proprietors giving their written leave to the net men.

Dr. McSherry.

4765. Is it the proprietor of one bank or the proprietors of both?—The proprietor of one bank could give leave to fish as far as the middle of the river. That was decided in Connolly's case.

Mr. Justice Ross.

4766. Now there has been a great deal of land purchase on the river Nore?—Yes, to a very considerable extent. I think you will find evidence of that to-morrow.

4767. And the rights have not been reserved?—I understand you will get evidence on that point to-morrow, as Lord Grinstead's property.

4768. Are the rights reserved on the Suir?—On the river Suir, I think, on the Duke of St. Albans' property they have been reserved. I understand so.

4769. Your knowledge is mainly connected with the river Barrow?—With all. I am connected with the whole district.

4770. Have you any suggestion now to make in connection with the spawning beds?—Well, the great want there is the want of money. Our friends are not at all sufficient. We only took the fringe of the question of preservation.

4771. Is there much poaching?—Too much. We have an excellent conservator there, Mr. Kane Smith, who looks after a number of the rivers and does his best, and so with the other conservators, too; but we haven't the funds.

4772. Yes, the common complaint that is made is that there is not money enough to watch the spawning beds?—Yes.

4773. You have no other remedy to suggest?—I have not.

4774. No method has ever occurred to you whereby the owners of the lands in which the spawning beds are could be interested in the protection of the spawning beds?—Well, I think as a matter of public inter-

Mr. Justice Ross—continued.

est, they must see the great value of it, and what a great national asset it is.

4775. But they get practically no benefit from it?—They get practically none. It is only from patriotic motives that they do actually take an interest in it.

4776. Is dynamite used in this river?—Not that I am aware of.

4777. Or any form of poisoning?—I am sorry to say down in the south of the county, down south of Kilkenny, poisoning has been carried on during the recent low water.

4778. With lime?—With lime and another chemical preparation.

4779. Is there any flax water running into the river?—No, sir.

4780. Or any sheep washing in it?—Well, there is sheep washing, but there is no damage arising from that.

4781. Then the only thing that you have heard of is the lime?—Well, a chemical preparation that I did not want to mention—chloride of lime.

4782. Now, that is all you have to say about the upper waters. Have you anything to say about the estuary?—Well, I have nothing to say about that. Matters are going on there, I think, very fairly. There was a very large take of fish this year.

4783. Then with regard to the 10 per cent. allowed out of the rates to the conservators. I should like to ask you how do you collect that?—That is on the valuation of the several fisheries. We obtain a return which is sent down from the Fisheries Office of the Department, and this is revised every year. We get a return of all the valued fisheries and we apply them to all the rated occupiers on our books. The total valuation of the several fisheries of this district is £970 10s. 6d.

4784. For the whole district?—For the whole district, and we get in, I may say, the full amount.

4785. Who collects the 10 per cent?—I collect it; and it is very well paid.

4786. Is there any voluntary payment by any proprietors, or any people interested?—Well, on the river Suir they had an Anglers' Preservation Society, and they helped us very largely. Last year they gave us a reward for the destruction of cormorants at a shilling a bird, and we paid for over 500 of them. And they are also very energetic in other ways. They have a hatchery on the river Suir.

4787. Are there any other hatcheries on any of these three rivers?—There is a hatchery on the Nore at Innings.

Mr. Green.

4788. That is Mr. Tighe's?—Mr. Tighe's.

Mr. Justice Ross.

4789. Well, as regards the tidal waters at Waterford Harbour and so far as the tide goes up into these rivers, are there drift nets used?—There is a certain limit for drift nets. A drift net cannot be used above Snowhill Point.

4790. Are there many fishermen living in the district?—There are. We have 40 drift nets, and I suppose each of these would represent three or four men; and we have one bag net. In the tidal portion of the river Barrow this year we have 84 snap nets and 20 drift nets and one bag net. In the tidal waters of the river Suir we have 78 snap nets, 7 drift nets, 2 stake nets, and one bag net.

4791. You have no observation to make on that?—No, my lord, nothing.

4792. What size of drift nets do they use?—Drift nets of 120 fathoms above Passage.

4793. What is the close season on each of these rivers?—From the 15th of August to the last day of January for nets.

4794. Is that for each of the three rivers?—For each of the three rivers as regards nets and fixed engines; but rod fishing can be practised up to the end of September on the Barrow and Nore, and I am sorry to say, up to the 15th of October, on the river Suir.

4795. That is too long?—The complaint is that it keeps the market open for fish.

* See First Appendix to the Report of the Irish

Inland Fisheries Commission [Cd. 449], 1901.

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Mr. J. H. Jones—continued.

[Cairn.]

Mr. Justice Ross—continued.

4796. Why don't you apply to the Fishery Board to alter the time?—I have frequently advocated it.

Dr. Mahaffy.

4797. When do you open?—We open on the 1st of February. It would be a great advantage in the case of rods to close on the 15th of August, the same as our nets, and practically after that there is no rod fishing.

Mr. Justice Ross.

4798. Now, have you anything else to say on that point?—No, my lord, I have not.

Dr. Mahaffy.

4799. Have you been here many years?—Since 1881.
4800. Is the cod fishery valuable?—We have not many eel weirs, sir. They fish at the locks on the Barrow. We have very few eel weirs on the Solr, and some on the Nore, but they are not very valuable.

4801. It is not a great industry here as it is in the north?—Oh, no sir, it is not.

4802. Have you any pike?—There are considerable numbers of pike in the Barrow.

4803. I know there are in the Solr, but are there pike also in the Nore?—Not many. I hear no complaints.

4804. You don't find the pike taking your fish?—Well, they kill a number of fry, but I think they make no very material difference. Complaints are the worst part.

4805. What about herons?—I don't think the heron does very much harm.

4806. Why not?—I think it is principally eels that they take so far as I am aware. I think they take more eels than they take fry. We don't hear many complaints about herons.

Mr. Justice Ross.

4807. What about the grey gulls?—We have had no complaints about them; but seals this year have been very numerous in the estuary, and we are paying a reward of five shillings a head for seals.

Dr. Mahaffy.

4808. Now, the spawning beds are the small rivers all the way up?—Yes. We have here our head halibut, a very experienced man, who will give you better information than I can as regards the spawning beds.

Mr. MICHAEL WASSER, examined.

Mr. Justice Ross.

4819. Are you head halibut on the Barrow?—Yes.
4820. How long have you been head halibut on the Barrow?—25 years.

4821. Mr. Jones (having asked and obtained permission to put some questions to the witness).—Will the Commission something about our principal spawning rivers?—We have five very good rivers within five miles' sail at the present time. They are within five miles, and they are very good. They are running into the country some ten or twelve miles, and there is a lot of small streams running into these tributaries again, into which the fish can go.

Dr. Mahaffy.

4822. Are there many people living there on the banks?—Yes.

4823. Small farmers?—Some of them, and big, too.

4824. Are there many people living there?—Yes.

Mr. Justice Ross.

4825. Are all the spawning grounds thickly inhabited?—Yes.

4826. Well, do you suffer much loss?—A great deal of loss.

4827. There is a great deal of poaching, I suppose—spearing by night?—Well, that is a thing of the past, now.

4828. Why?—Lights are too much of a signal.

4829. And have you enough of halibut?—I have not.

Mr. Justice Ross.

4830. Your best spawning beds are about the town of Culter?—They are very excellent spawning beds.

Mr. Guyan.

4831. You say there has been a decrease in licences, is that in the net licenses or in the angling licenses?—You see, sir, from the chart that it distinguishes between nets and rods. They are separate. You have a chart for the rods and then you have a chart for the nets, cross lines, and fixed engines.

4832. Is there any draft net, any hauling net, on the Nore?—A pole net, sir.

4833. A draft net?—No, there are no draft nets on the Nore. The draft nets are on the tidal portion of the river Barrow. There is one draft net at Innisroge that Mr. Fyke uses, and that is fished in a very narrow portion of the river, and it is a very distinctive net. It shoots out and sweeps round, and practically every fish is taken.

4834. When you talked about analogous legislation, what was in your mind?—What was in my mind was this, that the provision that is made on the Barrow by by-law should be made by statute to apply to the whole of Ireland, prohibiting netting in fresh water.

4835. And would you propose to apply it to a case like that, that has been in existence for a long time?—I would, and compensation should be granted if a man has fished it for a long period, say, 17 or 24 years, and has undoubtedly a right that of course could not be abolished without some compensation.

4836. Take the Barrow, is it a good angling river?—Well, we have some 10 miles from the tidal portion up to the town of Culter, and at the foot of the weir there are some good angling reaches; but there are gentlemen here who can give you better information of that than I can.

4837. What I want to get at is this: Supposing you could persuade the tenant purchasers not to act, is there any way in which they could recoup themselves by leasing the angling rights?—Yes, sir, we have several places suitable for angling. That is what we want to try to get them to see, that they have angling rights.

4838. Do you think the value of the angling rights would be considerable?—I think it would.

4839. On the Barrow?—Well, I won't say as good on the Barrow as on the other rivers, but still it would be an improvement.

Mr. Justice Ross—continued.

4840. How many men would you require?—It would take about 15 men to do this district at the present time for what I have to do. Of course these five rivers are only within five miles of Culter.

4841. Have you had many prosecutions?—A good many.

4842. Have they been successful?—Yes.

4843. How many men have you?—I have had only three men with myself on these five rivers the last season.

Dr. Mahaffy.

4844. And you would like 15?—I would like 15 if I had them.

4845. What are the three men paid?—£2 a month.

Mr. Justice Ross.

4846. Are you able to give them continuous employment?—Only for three months.

4847. Have they anything else to do except that?—Some of them have, and some of them have not, but, as a rule, they have nothing to do during the winter months.

4848. Do you get much assistance from the police?—Well, when I call on them, I get them.

4849. Have you got any of them to help you?—I have, sir.

4850. Well, now, since the tenant purchasers have come into occupation, have you noticed any change?—Yes.

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Mr. MICHAEL WHELAN—continued.

[CARLOW.

Mr. Justice Ross—continued.

4841. For the worse?—For the worse, and one of them stopped me and told me I would be a trespasser if I went there, and that I would have no right to go on the land at all.

4842. Do you think there would be any chance of getting them to combine to do anything with the fishing?—They think they have no value in the fish, and that they derive no benefit whatsoever unless they catch one and eat it.

4843. But is not that very uneconomical?—Yes. It would be a very bad thing for those poor people that are living on the highways, that are going into the houses and shops and getting credit during the winter months, till the season opens, if such a thing as that happened.

4844. Mr. Jones.—Can you give the Committee any idea of the quantity of fish you have had this year?—This season is the best season I remember for the last 30 years.

Mr. Justice Ross.

4845. The best season?—The best season.

Dr. Mahaffy.

4846. You have had very light water?—We had very light water for a considerable time.

4847. Mr. Jones.—Were there many fish on the tributaries last season?—A tremendous lot of fish on the tributaries last season.

Mr. Justice Ross.

4848. A great lot?—Yes.

Dr. Mahaffy.

4849. Do the people eat the spawning fish?—I think they do.

Mr. Justice Ross.

4850. But they sell them?—I don't know whether they sell them or not.

4851. Is there any export going on?—Not in the spawning season.

4852. Is there any systematic poaching, helped by people of the town?—Very little. I don't mean the farmers would be guilty of doing the like of that, because there is only one here and there, but there are a good many farmers at the present time that would be glad of anything that would help them to preserve.

Dr. Mahaffy.

4853. Wasn't there always poaching?—Always.

4854. And when there were more people in the country there was more poaching?—I expect there would be.

Mr. Green.

4855. But there was not so good a way of disposing of the fish long ago as there is now?—I don't know. I suppose they could not sell off the spawning fish. I don't suppose people could export the fish at any time.

4856. What do they do with the fish?—Witness.—In the open season?

4857. Yes?—Any man can sell fish in the open season.

4858. Mr. Jones.—As regards angling, would you say the Barrow is a good angling river?—It is one of the best angling rivers I know.

Dr. Mahaffy.

4859. Are you a local fisherman yourself?—I am, sir.

4860. What is the most you get in one day?—I got three dozen, one with the fly, and two with bait.

4861. Mr. Jones.—Tell the Committee where are those trawlers—are they near the weir?—The fish are killed on the Barrow in the deep pond.

4862. Mr. Jones.—Now tell the Committee something about the difficulty we have with these navigation weirs in preventing drum fishing?—There are very few weirs on the river, but there are nets kept set in the fish passes.

Mr. Jones.—There are no properly constructed fish passes on those navigation weirs. They are little places where the poachers may, by lying away a few stones, make a run of water, and those are very readily netted with the very destructive drum net.

Mr. Justice Ross.

4863. They put a net on the pass?

Mr. Jones.—They put a net on the pass, and they are most wonderfully clever, and they connect it with a shop line, and when they see a suspicious person coming along it is pulled, and when the policeman is there there is no net. I think something should be done to construct proper passes on all those weirs like the Scotch passes. There should be, I think, a gap of something about 12 feet wide, and about 6 inches deep, and connected so that they can't fix those engines. It would be a great means of letting up the fish.

Mr. Green.

There would be no navigation if you let all the water run away.

Mr. Jones.—I would only take the waste water, and if we had that done it would let up the fish every day of the year. The water is at present dribbling over the whole run of the weir.

4864. Mr. Jones (to Witness).—What is the highest, the most up-stream of those tributaries, that we had built on?—The furthest I had a built last year was only in Athy, and there are just two tributaries there.

Mr. Jones.—We have not put on built above Athy.

Mr. Green.

The great commercial value of the Barrow is really in the estuary.

4865. Mr. Jones.—Quite so. Witness.—There are lots of poor people earning a living there.

4866. A great number?—A great number.

4867. Absolutely depending on it?—They are depending on it, and have to go in and get credit, for instance, in New Ross and those places, till the season opens again, and the farmers, of course, would protect them if they really knew what harm was done in the spawning season. The farmers don't know it. They don't know exactly how much money has to be earned.

Mr. Green.

About how many men are depending on this salmon fishing down at New Ross and in the estuary of the Barrow?

Mr. Jones.—We have 84 snap nets.

Mr. Green.

That is with four men to each.

Mr. Jones.—Four men to each. That would be 336 men on the snap nets alone; and we have 20 drift nets, which would take from three to four men each; so that you have there over 400 men depending on this fishery.

Mr. Green.

And a lot of families?

Mr. Jones.—And of course their families.

Mr. Green.

And they are depending on the proper preservation of the Barrow.

Mr. Jones.—Quite so.

Mr. Justice Ross.

4868. (To Witness).—But you say the farmers don't understand the harm that is being done?—They do not. They don't exactly know.

Dr. Mahaffy.

4869. And they don't care?—Well, I think they would care if they were let down in it and told what harm was done, and I think they would give a helping hand.

Mr. Green.

4870. And then the poaching is really just taking out the spawning fish for their own use?—That is all, sir.

4871. Now, if the riparian owners put their rights together, do you think they could make anything out of the angling value of the river by letting it?—Well, the people on the tributaries could not, because there would be no fish in it in the open season you know. But do you mean the main river?

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MR. MICHAEL WHESTER—continued.

[Cairrow.

Mr. Guyon—continued.

4871. Yes?—I expect they would. At present there is a man in Borris who has got a right there. He has a very good place on his land, and he is going to let it next season.

4872. Has he got a good stand?—Yes, a very good stand, and he preserves it. One gentleman went there and he prosecuted him and fined him £2 for going there without leave.

4873. What would be likely to get?—I could not say.

Dr. Mokeff.

4874. Mr. Kavanagh owns one hawk?—He does.

Mr. Guyon.

4875. Could you fish the whole river from one bank?—If you were a good man to cast a fly you could certainly.

4876. Is there as much water as would give a man a day's fishing?—Oh, indeed there is. It is a very good stream.

4877. It is good down to Groganewannagh?—Oh, it is. The whole river is good.

Mr. Green.

4878. Have you any idea of how many salmon were caught by angling this year on the Barrow?—Well, I have not.

4879. Were there a hundred?—I am certain and sure there were over 500 caught with rods.

Mr. Guyon.

4880. That is what I meant. I only wanted to get a rough idea.

COLONEL J. J. H. ROBERTS-DUCKETT, J.P., examined.

Mr. Justice Ross.

4881. You will be able to give us some information on this question, Colonel Roberts-Duckett?—What I have to say is not with regard to the Barrow, but the Slaney.

4882. You have been living in the district all your life, have you?—Yes.

4883. And you know the object of our inquiry?—Yes.

4884. Just give us your view?—I have made a few notes, and perhaps I may read these.

4885. Yes?—Well, so far I do not consider the transfer of lands to tenant purchasers has had much effect on the fisheries. I believe the tenants are, in every case where a transfer of land takes place, most anxious to own the rights of fishing on the lands they have purchased. No doubt they consider these rights to be valuable with a view to being able to obtain good rents for their rights. In some cases I am aware of the tenant purchasers having let their fishing rights. The rents they obtain depend to a very large extent on the probable amount of fish which might be expected to be caught during an average season. Should the supply of fish fall short for a few seasons, then I consider that rents would be difficult to obtain. That is in answer to the first paragraph in the Secretary's circular. My answer to the second is that to preserve and develop the fisheries under these new conditions it would be absolutely necessary to have a sufficient number of water bailiffs to protect the fish in the river. Then in answer to the third, I say that to give the tenant purchasers an interest in preserving their fisheries a larger number of fish should be allowed to get into the river than are now allowed under the present regulations. More fish means better rents. When better rents are obtained I consider that the tenant purchasers, finding it to their own interest to preserve the fish, they would do so. Then to the fourth, I say that the funds of the Board of Conservators are absolutely inadequate to pay a sufficient number of water bailiffs for the proper protection of the river. In the near future I consider there will be further reduction in their funds owing to a falling off in the number of rod licences. For some years past a con-

4881. Mr. Jones—Have you any complaint to make about poisoning?—There is no such thing on the Barrow.

4882. Or on the tributaries. Is there any poisoning on the tributaries?—No, there is not.

Mr. Guyon.

4883. How is the poisoning done—is it netting or poisoning?—Gaffing.

Dr. Mokeff.

4884. You don't find that pike kill the fry?—Oh, the rod men fish for pike when they are fishing with bait at all, and they catch a lot of pike.

4885. And do you think that the pike do no harm to the salmon fry?—Oh, they do a lot of harm.

4886. There is no regular system of killing the pike?—Everybody is trying to kill them.

Mr. Justice Ross.

4887. There is nothing else you have to say?—The only thing I would like to say is about the weirs that Mr. Jones has been speaking of. I would rather have ladders on these instead of weirs opened like that.

4888. The objection to the weirs as they stand is that they afford an easy system of netting?—Yes, but I would rather have a ladder on the weir than have it open, because you can't tell how much water you take and you are apt to do an injury to the navigation, but by putting a ladder there you do no harm at all, and the fish will travel on a ladder twice as easily as on any other kind of gap. There are a few ladders here on the Barrow which you can see, where the fish can run up quite easily, in the town here, and if these were on the whole river all along it would be a grand thing.

Mr. Justice Ross—continued.

4889. A large number of licences have been taken out by visitors. Now, owing to the recent by-law which made it legal to begin the net fishing on the 1st of April, the amount of fish which were allowed to get into the river I would consider was reduced by half. If this state of affairs is allowed to continue, visitors will come to come to the district, and licences will not be taken out to the same extent, which will mean a serious loss to the funds of the Board.

Dr. Mokeff.

4890. What was the old date?—It was the 15th of April.

4891. And now it is the 1st?—They made a by-law to allow them to commence on the 1st of April. The most important fortnight of the whole year for the fish to run is, in my mind, from the 1st to the 15th of April. Of course I may be mistaken. Fishing started on the 26th at one time. At the present time a large portion of the river Slaney is preserved by the private owners. In the near future these owners will cease to give the river the same protection owing to the small number of fish which are allowed to enter their waters under the present conditions. To prevent poaching it must be done by having a sufficient number of water bailiffs. I would suggest that the police should give assistance to the water bailiffs. These observations are practically my answers to the questions that were sent to me.

Mr. Justice Ross.

4892. Your principal objection is that the fish are not allowed to enter the river?—The fish are not allowed into the river. That is our experience under the by-law.

Dr. Mokeff.

4893. You are a fisherman yourself, and what part of the Slaney do you fish on?—Well, I have from Kildonan Bridge up. That is one portion; and I have another portion near Tullow.

4894. What do you call a good day on the Slaney?—Well, it depends on whether you have fish in the river.

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COLONEL J. J. H. STURGES-DECKERT, J.P.—continued.

[CARLOW.

Dr. Mahaffy—continued.

4989. How many years have you been fishing?—Well, I suppose 30 years.

4990. What is the best take you ever had?—Well, I may have got five fish.

4991. Are there any sea trout?—Not now; there used to be.

4992. Are you troubled with eels?—There are a certain number of eels in the river, but I don't think they do any damage.

4993. No pike?—There are pike in the upper part.

4994. Are they muchwounded?—Well, if they get any of the trout. There was a considerable number of trout there twenty years ago, and those trout have practically disappeared.

4995. And you fish the Barrow also?—Well, very little. I know nothing about the Barrow.

4996. It is a different sort of fishing?—Oh, absolutely different.

4997. The Slaney is more a red-fishing river?—It is all red, one of the best salmon rivers to be got.

4998. And the fishing has now got very bad?—Well, it was very good, but since this by-law we have had only half the fish.

4999. Do you think there is much poaching at the head waters?—A very considerable amount.

5000. Of spawning fish?—Of spawning fish; and I can say that they are taken out directly after they come up. The water gets clear, and then they are taken out; and we have no means of protecting them. There are tributaries amounting to about 25 miles of river.

5001. Where are the spawning beds—do they spawn up in the County Wicklow?—They spawn up near the Glen of Innal, and right up even to Bellingham.

5002. Is the County Wicklow?—And in Carlow, too.

5003. And is there a large population there?—Oh, a great number of people.

5004. And they out the spawning fish?—Oh, no; they go to Dublin, most of them. You see them going up by train.

Mr. Justice Ross.

5005. But surely the difference of ten days is a very small thing to account for the determination of the river, for this by-law makes an alteration of about 10 days?—Those 10 days are the most important 20 days in the year.

Dr. Mahaffy.

5006. They may be?—You see it is natural for the fish to come at that time, and they always did come, and I believe they would come still if they were allowed. The century is very long, about 20 miles.

5007. Do you always fish with the fly?—Not always. I fish sometimes with flies and sometimes with bait.

The Right Hon. LEON BARNESON, M.P., examined.

Mr. Justice Ross.

5008. You fish the river Slaney, Lord Rathdown?—Yes.

5009. Do you own both sides where you fish?—No, I do not; only one side.

5010. Who is opposite to you?—At the part where I consider there is the only good fishing, Mr. Gough, of Rathmore.

5011. Have you sold under the Land Purchase Acts?—No.

5012. Then you have always held the rights of fishing, of course?—Yes.

5013. And has your neighbour on the other side reserved the rights of fishing?—Yes.

5014. Has he sold to the tenants?—No; I rent it from her, so I have the two sides practically for just about a mile. Then, higher up, I join Colonel Eustace-Douglas on the other bank.

Dr. Mahaffy.

5015. Is it a good river?—Oh, no; I can't say it is up there.

5016. What is the biggest take of salmon you have had in a day?—Well, there may have been two taken on the fly.

Mr. Justice Ross.

5017. Have you any other suggestion to make?—I think it would be well if they could have any means of preserving the river better. We want more money to provide better water bailiffs.

Dr. Mahaffy.

5018. That won't do if all the fish are caught in the tide-way?—We are getting no fish now.

Mr. Justice Ross.

5019. Are there not three days of close time to be reckoned in the extension of time under the by-law?—Well, I think it is from Saturday afternoon till Monday morning, or something of that sort.

Mr. Gwyn.

5020. Have you any record at all of the number of fish caught by nets in this period of ten days?—Mr. Hall-Dave might be able to give you that information. I haven't it with me.

5021. But you know the position generally?—I am some distance away from the tidal waters myself.

5022. How long have you had experience of this change?—Since the first of April last.

5023. This year?—This year. We had plenty of fish up to the time they made that alteration.

5024. The shortage of fish that you are complaining of is this year only?—This year only, since we had the change of the date for the nets.

5025. You think there is clearly a desire on the part of the tenant purchasers to exploit the angling rights of the fish would come up?—I am perfectly certain if they were going to make money by it they would do it.

Mr. Green.

5026. Do you think the want of water in the river would have nothing to do with the salmon not coming up?—No, I think the temperature of the water has a good deal to say to it. If there is cold weather, for instance, the fish won't run.

5027. There was very cold weather in April?—I really forget. Then, you see, we had the first run of fish and since that was past never had another fish.

5028. The water ran away altogether?—When it is the time for the fish to come they will come. There is always water enough for them to come.

Mr. Gwyn.

5029. Always water enough?—I don't say always, but they would go up, and when the first flood came they would go up.

5030. This is not a river where you are depending on a flood for letting the fish up?—Yes, but they must be allowed out of the tidal waters or we shall not get them.

Dr. Mahaffy—continued.

5031. What size salmon are they?—Oh, they ran about seven to ten pounds.

5032. Have you anything to complain of?—If there is less water up there it is not at all difficult for people to hunt the fish and get them out.

5033. They could clear out a pool?—They could hunt them from the deep water into the shoals all the way up, and beyond Bellingham. I know pretty well how the thing is managed. They are got out. There is no doubt about it.

Mr. Justice Ross.

5034. You believe that is extensively carried on?—Yes. I don't know that it is carried on quite as much as it was a few years ago, but it is done.

5035. And I suppose you agree with other witnesses, that it is owing to the fact of not having enough of bailiffs?—I think if the place where the fish spawn is not looked after the fishing of the whole river must suffer. If you see to have good fishing in the river you must look after your spawning beds; and that is up above me. I have got some deep pools down below, about Rathmore, but when you get up above that it is shallow, and the fish go right up into the Glen of Innal.

* See page 136, q. 5181, et seq.

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THE HON. MR. LORD RATHENELL, M.P.—continued.

[CARLOW.

Mr. Justice Ross—continued.

4946. Do you agree with Col. Eschsch-Duckett about the effect of this new by-law?—Well, I am quite certain of this, that if you burn your candle at both ends, if you don't allow the fish to spawn, and you don't allow them into the river, your fishing must go down. If the salt water fishing does not stop the fish from spawning in, then the fresh water nets do the damage. It is open too early in the year. You must let the fish up if you want to get them to increase in the river.

4947. Now, you know this place, you have lived here all your life?—Yes, and I am interested in another river, the Dee, at Dremore, in Louth.

4948. Then the fishing has got worse?—The fishing in that river is getting worse.

4949. Has the fishing in the Slaney got worse?—I think it has.

4950. Have many people there sold?—Not on the part that I rent.

4951. Have you any suggestion to make?—No, except that I think the netting near the mouth of the river commences too early.

4952. Did you appeal against the by-law?—I did not, myself.

4953. Did anybody?—Yes, I think they did. What you want is bailiffs to protect your spawning beds, and you want to let the fish up into the river earlier.

4954. But if the by-law has been sustained before the Privy Council you could not go back on that now?—The fishing will go down if you burn the candle at both ends.

Mr. Justice Ross—continued.

4955. If the spawning beds were protected you would do very well?—I think that would be an improvement. I should think that stream to reason. I don't think there is anything that I want to say more than that, except in reference to the trout fishing. There has been a great deal of trout fishing in the waters that I am used to.

From Saturday to Monday people come down, and the banks of the river, from Bellingham to Tallow, you might say, are covered with hundreds fishing. I should think there would be hundreds fishing on a Sunday. I don't know whether anything could be done in the way of raising money from trout fishing. I think it would not be a bad thing if you could, in some way or other, raise money from that source. Trout fishing has gone down, and I think it is through people who come out and fish free, gratis, and for nothing; and catch the fly and everything else.

4956. Then you suggest that there should be a license for trout fishing?—I think it would improve the trout fishing if there was.

4957. And most of the desirable class of sportsmen would be ready enough to pay that?—Well, some would not; but there might be an association.

4958. There is no angling association at present?—No, there is not that I am aware of.

4959. I think it is a pity that there is not?—I think it is a great pity.

4960. Col. Eschsch-Duckett.—Lord Rathenell spoke of jerring me. It was not then that I was referring to, but lower down, when I spoke of catching five fish in a day.

MR. KANE J. SMITH, examined.

Mr. Justice Ross.

4961. What information can you give us?—I can speak of the river Barrow.

4962. What can you tell us about the river Barrow?—Well, with regard to the tenants who have bought out their lands under the new Act, the majority of them do not fish, and they know very little about it, and, since they have got their lands, they have declined even to allow the bailiffs to go and look after their duties on it. They say they would amuse them; why, I do not know, because the bailiffs were doing no harm. Of course, they didn't know the law about that, and, naturally, they thought that they could keep them away. With regard to the destruction of small fish, I myself set two traps on the top of a castle in Chesham, and we caught two common eels, and while they were hanging down one discharged a small fly-salmon or trout, and the other dropped a perch; so that will give you a fair idea.

4963. Have you many comments?—We had, but we are doing away with them.

4964. As a staffing a head?—Yes.

4965. They are easily shot?—Very easily, if you get near enough.

Dr. Mahaffy.

4966. You must get very near?—Oh, you must.

Mr. Justice Ross.

4967. Just go on with your observations?—The way they kill the salmon on the Barrow is with dam nets, which are set at these so-called gaps on the water. These are nets with a kind of funnel shape, where the salmon goes up to the top and then there are pockets at each side there, and he drops down into the pocket and is there suffocated. It is very hard to detect, because they are set under the water; and on certain portions, down at Chesham, they have them connected with a long line with a clip knot, and if they think anybody is coming to look at the gap, they clip it, and it goes down in the pool underneath, where it sticks.

4968. And it is very hard to detect it?—Very hard.

4969. What is your remedy for that?—You could raise the water, but that would be bad for the fish. Otherwise you might widen these gaps, or you could put a shoulder in the middle of the gap and bring it above, V-pointed like that (Witness indicates shape), because they must be kept open.

Mr. Justice Ross—continued.

4970. But the poachers might accommodate themselves to that change by making another one?—Oh, yes.

4971. Is there much poaching on the river Barrow, to your knowledge?—Only that kind of poaching. You know, the river Barrow has very little unless in the spawning season. Then, there is getting of netting to any amount. Of course, we have night lines, but that is more for trout.

Dr. Mahaffy.

4972. For eels?—We don't get many eels.

Mr. Justice Ross.

4973. Is there anything else you would like to say?—Only about funds to put on water bailiffs. We have to go from Carlow to Monasterevin, and our funds only allow us to put on three men. Outside Carlow we have the Burren, the Lerr, the Glines, the Douglas, and the Fishage, all tributaries going into the river Barrow, and it is practically impossible for three men to look after them.

4974. How do you suggest that more money is to be raised?—By getting more water bailiffs to look after the rivers.

4975. Who is to pay for them—have you any suggestion to make about that?—I have not, personally, any suggestion to make about that. I don't know where the money is to come from, and, as a matter of fact, I think our funds are going down instead of getting stronger.

4976. Mr. Jones.—Would you advocate an increase in the honours duties by legislative powers?—Well, if it could be done, but I think that would be very hard on many persons.

Dr. Mahaffy.

4977. Would you call the Barrow a good fishing river?—Yes, but you want to know the river.

4978. There is a good deal of it in large pools?—Yes.

4979. And you have good fishing in these and you know where they live?—Yes; it is a question of the weather and the quantity of water. Of course there is always a small current.

4980. What is the best day you ever had?—Three.

4981. Mr. Jones.—As far as the tributaries above Athy are concerned, are you acquainted with those?—I am.

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Mr. KATE J. SMITH—continued.

[CARLOW.]

Dr. Mahaffy—continued.

4962. Are they good spawning rivers?—They change, they vary very much. Some of them have a sandy bottom which is not good for salmon to spawn in. Some of them have good gravel.

4963. But you haven't a man to put on, a single baillie?—Not one.

Mr. Green.

4964. There is some old fishing carried on on the Barrow?—Oh, yes, there was till the bylaw. There are only certain places you know that are allowed by

Mr. Green—continued.

law to be used, and they prohibited the use of them on lock-gates simply because they said it was not an eel weir, and of course our funds won't generally afford that, and these men would not take those pound licenses for eels.

4965. Would the salmon fishery gain by it?—I am certain the eel is very destructive to salmon, and they will eat the small fish too.

4966. Would it be a good thing to increase the number of eel traps on the river?—Most decidedly.

4967. It would be a good thing?—Yes.

Mr. LAURENCE FORTUNE, continued.

4968. *Mr. Jones.*—How long are you fishing for salmon, Fortune?—Fifty-one years.

4969. On the tide?—On the tidal water.

4970. Just describe the fishing on the tidal water to the Committee. At what state of the tide do you commence?—Half tide ebb.

4971. How long can you fish on that half tide?—About 34 hours.

4972. How many tides in the week can you manage on an average?—Nine and sometimes ten.

4973. That would be only about 30 hours' fishing?—Yes.

4974. Now, what is the size of net which you use?—Well, it is about 15 feet.

4975. Is that in length?—No; it is 16 to 18 yards in the length.

Dr. Mahaffy.

4976. How many men are there with you?—Four men.

4977. You and four?—I and three more.

4978. You divide the profits?—Yes, sir, the four do.

4979. And how much do you get in a season, one season with another?—Well, this season, up to the 9th of June, the four of us had about £130.

4980. That was between the four?—Between the four. We had no pool there last three or four years.

Mr. Justice Ross.

5001. Is the fishing getting better or worse?—This season it is better than the last three or four years by.

Dr. Mahaffy.

5002. That £130 means how many fish—200?—No, not so much, sir. Salmon is dear. About 135, I think.

5003. That is very nearly £1 each?—Some salmon sell for 50/-, and sometimes £3 or more.

5004. What size?—About 45 lbs. It is 2/- a pound or perhaps 3/- sometimes.

5005. What river does this £130 fish come up—does it come up the Barrow or what river?—He comes up along the Barrow.

5006. Did you ever catch a fish of 40 lbs. weight on the Barrow?—Yes, one killed this year by Mr. Stevenson.

5007. Are there very big fish in the Suir?—Well, I am not acquainted with the Suir, though I go on it as a water baillie, on a portion of the Suir. It has been a great season of course, and there was very good fishing going on at Instigate and St. Mullin's.

Mr. Justice Ross.

5008. Are there other men engaged in the same kind of business with you?—Well, there are only about 11 or 12 nets where I fish.

Dr. Mahaffy.

5009. Below Instigate?—Below New Ross, between New Ross and Instigate and St. Mullin's. I suppose there are 100 more licensed nets in the tidal waters. I would say there ought to be a good deal more on the fresh water at present.

5010. *Mr. Jones.*—In an average year, fishing on the upper tidal waters, you have told us you have fished about 34 hours on the ebb tides?—Yes, and in May I fished 4 hours and 5 hours on the ebb, and the whole tide too.

5011. *Mr. Jones.*—That is up near Instigate?—I follow the fish in the mouth of May.

Dr. Mahaffy.

5012. *Mr. Tighe* has a valuable fishery there?—Yes, he has a draft net there.

5013. Is that a valuable fishery?—I know there are days he often killed 30 and 40 and 60, and up to 100.

5014. And that is worth a good deal of money?—Well, I couldn't tell what it would be worth to him, but I know it is worth a great deal.

5015. Can you tell us anything about the fresh water?—In the Nare, but not much in the Barrow.

5016. How long can they fish there—can they fish in night or day if they like?—They are not allowed to fish in the fresh water.

5017. But supposing nets that do fish the fresh water?—Oh, yes, they could fish the fresh water at any time because the tide is all the one way and the water has always the one strength, because it is not a tidal water at all.

5018. So they could fish at day or night if they liked?—Yes, they could.

5019. Against your 30 hours a week?—Yes.

5020. Now, then, as to the habits of the fish in the fresh water, do they congregate in the pools?—Oh, yes, they go into the pools.

Mr. Justice Ross.

5021. Is there much poaching?—I often know them to beat the salmon back. They are able to do that right in the tidal waters before they go up to Mr. Tighe's net. They are able to drive them back.

5022. *Mr. Jones.*—You speak, I think, on behalf of all the tidal fishermen?—Yes.

5023. Who, I have shown, on the Barrow are between three and four hundred?—Yes, and they are below me with nets that are, some of them, four and five hundred yards in length.

5024. That is drift nets?—Yes, and there are sea nets.

Dr. Mahaffy.

5025. They fish in the sea?—They fish about nine feet deep; and then there is that portion of the river 30, 40, and 60 feet deep, but the net always goes on the top of the water.

5026. And they fish the too?—Sometimes the fish rise and more than they go low. When the fish are going high we never get one. We never get a fish if they are going high. We wait to have them within a foot or two of the bottom of the river in order to catch them. There is often fishing done with the snap net 10 miles below where I live, Clock Point.

Mr. Gwynn.

5027. Are there more snap nets now on the river than there used to be?—No; but if any, but much more this season than there was last.

5028. Everybody is agreed that there ought to be more baillies on the water. Would you agree with that yourself?—Well, at present there is a very good staff of baillies on the water, and I am able to prove it here.

5029. *Mr. Jones.*—That is on the tidal portion?—On the tidal portion. There are four baillies and I am one; and that is four, and I am here ready to

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Mr. JUSTICE FORTESCUE—continued.

[CARTER.]

make a statement that we did our duty so well for the present season that we let the salmon come in hundreds into the river Barrow. While I am supposed to do my duty there is not a drift net allowed to fish, that is between New Ross and the Great Island.

5030. Mr. Jones.—Then what you think is that so far as watching the close season in the time when the fish are in condition for sale, that is being properly done at the present time?—Well, I think our duty, sir, is very well done on the tidal waters. I can't say much about the fresh waters.

5031. But when you come to the watching of the spawning stream, is that being properly done in your opinion?—Well, it is looked after pretty fair.

5032. And you don't think there is any great need for extra bailiffs?—I would say there ought to be in the winter time, that is the spawning season.

5033. But you could not have extra bailiffs unless you paid them?—Bailiffs won't work without being paid.

5034. You can't get bailiffs without paying them?—No, sir.

5035. And the only way that I can see that you can pay them is to raise the licences. How would you like that?—Well, when I began to fish fifty years ago,

and passed we used to pay, and now we pay thirty shillings.

Dr. McKeaghy.

5036. Do you think it might possibly be worth your while as a fisherman, not as a river watcher, to pay a little more for a licence?—Well, I would be for the more on our nets and £1 on the large nets below me.

5037. Is that your opinion?—Well, I am for it, and let every man have his own opinion.

Mr. Gwynn.

5038. It might pay you better. One salmon that you get is worth £1 on an average?—At an average they are worth more throughout the season.

5039. So that if you got one more salmon it would pay you well for the life?—Of course, it would. It would be only 2/6 to me. Three are four of us passed in paying the 30/-.

Mr. Green.

5040. Your licences are all at their maximum now in your district?

5041. Mr. Jones.—They are. They can't be increased unless by Act of Parliament.

Mr. DERMOT H. DOWSE, D.L., examined.

Mr. Justice Ross.

5042. What river are you acquainted with?—The Slaney.

5043. How long do you know it?—About fourteen years.

5044. Are you a fisherman yourself?—Yes.

5045. About Tullow?—Yes.

5046. You have heard the evidence given by other witnesses with respect to the Slaney. Is there anything additional that you would like to bring before us?—Well, the chief thing is that the only way to make up for the shortage of money and get better protection for the spawning beds is to make the police help, so that if a bailiff wanted to go out he might be able to call on the assistance of the police.

5047. Are you not able to get that at present?—Well, I don't think the police care about being out at night.

5048. And you want them for night work?—Oh, it is chiefly for night work that anything of the kind is wanted.

5049. Does it not seem difficult to get the police to go out at night?—If they got something extra I don't think there would be a difficulty.

Mr. Gwynn.

5050. Who would pay them?

Mr. Justice Ross.

5051. As a matter of fact they do a great deal of night work?—It is in the early morning that the poaching is done.

Mr. ROBERT F. THORP, examined.

Mr. Justice Ross.

5052. What river are you acquainted with, Mr. Thorpe?—The Barrow.

5053. Are you a fisherman yourself?—For about 25 years.

5054. What have you to tell us that we have not heard from the other witnesses?—Well, I did not hear any of the first witnesses.

5055. Is the Barrow improving or getting worse?—I think there is far more fish in the Barrow now than there was when I remember it first.

5056. Do you attribute that to the by-law?—I do.

5057. Are the spawning beds properly protected in your opinion or not?—I don't think they are, but I think they are protected as well as one bailiff can manage a great many miles of water.

5058. Have you any special knowledge of the spawning beds?—I know, yes. I am a conservator.

Mr. Justice Ross—continued.

5059. Have you many prosecutions?—Yes, occasionally. I think the bailiffs do their work very well, but I think they have too much to do.

5060. Apart from the small number of bailiffs, which is a general complaint, have you any suggestions to make?—Well, I have heard the help of the police mentioned and I am strongly in favour of it. As far as I know at present, the police can do it if they like or they need not if they don't like, and my experience is that as a rule they don't like. You sometimes meet with a keen sergeant who makes his own work.

5061. When he is a fisherman himself?—This does not depend on whether they are or not.

5062. Does it depend on the fishing prohibitions of the commanding officer?—I think it does decidedly.

5063. If he is a keen sportsman the police help, and if not, they don't?—That is my experience.

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Mr. ROBERT F. TUCKER—continued.

[CARLOW.

Mr. Green.

5080. Didn't the police give a great deal of help down about Graiguenamanagh?—They did.

5079. They coped with a lot of poachers?—Well, the sergeant that gave us a great deal of assistance there has left the force. At present they do give us a good deal of assistance.

Mr. Gwynn.

5071. What inducement have they to give you assistance?—The inducement they have in our district is that we give them all the fine.

5072. Mr. Jones.—The old system was that if the Constabulary had a prosecution and the convicted person went to goal, we gave a bonus equal to the amount of the fine, but not exceeding £8, and in the event of the fine being paid, we gave the prosecuting policeman the whole fine.

Mr. Justice Ross.

5073. Does not that go to the Constabulary fund?

5074. Mr. Jones.—It does now. Under the new regulation, half of the penalty would go to the reward fund, and, if approved, a certain amount to the policeman that gets the conviction, but they are not getting as much as they previously did, and my experience is that they won't work so well for the general benefit as they would for their own pocket, and they are not as keen as they used to be. Witness—I quite agree.

5075. Is there anything else you would like to say?—Well, it is in reference to what is likely to happen with the change in ownership of land.

5076. What is likely to happen?—Well, it is my opinion, from my experience of the Barrow and of the class of owners owning land, that unless there is some by-law made, similar to what we have got on the Barrow, net fishing will become general in the fresh water.

5077. From what you know, do you think they would be likely to enter upon some scheme or agreement to act?—I think they will fish for their own benefit, but, as to combining to preserve the fishery, and make an asset of it, I don't think they will.

5078. You see, the alternative of compulsion is a very serious matter?—We got a by-law passed for the Barrow, and I think it ought to be passed for every river in Ireland.

5079. Suppose people have been out-fishing there, or something of that kind, it is a strong inducement, if a man has been doing that for a long time, to put it down altogether?—Well, net-fishing, so far as I know, is limited to isolated districts, for instance, about Bannadrigg.

5080. What would you do with the people there?—I don't know the remedy, but I know, if it becomes general, the fish will be wiped out in two years.

Mr. Gwynn.

5081. Are there holdings large enough for an individual tenant to be able to let a piece of angling which would be of any material value?—Yes, I suppose there are. Well, for instance, on the Barrow, the most valuable bits that you have don't extend more than half a mile. I know one place where the tenant has bought, and he fishes himself, and I think he probably might make something of it, but he won't take the trouble either to let it or help in any way.

5082. Does he let other people fish?—He does, to a certain extent.

Dr. Mahaffy.

5083. Does anybody let net-fishing on the Barrow?—Yes, there is one stretch of water I know.

5084. One stretch that is let?—One stretch. I think the rent is £90.

5085. And how long is that stretch of river?—About half a mile.

5086. In that the best part of the Barrow?—It is, decidedly.

5087. And that is let at a rent of £90?—Yes. The present owner owns one bank and he rents the other, and he lets it by the year, as a rule. This year he has not let it.

Mr. Gwynn.

5088. The £90 is for the fishing of the whole stretch of the river, both banks?—Yes.

Dr. Mahaffy.

5089. Red fishing?—Red fishing.

5090. And what sort of sport would a man expect?—Well, it varies tremendously.

Mr. Justice Ross.

5091. What would be his best day?—About seven fish, I should think.

5092. Are there many places on the river Barrow where you would get £90 for half a mile?—That is the only one.

5093. There is no other as good as that?—It is the only one let at all on the Barrow.

Dr. Mahaffy.

5094. And in a good year a man taking it for two or three months might get 100 fish?—Oh, no; I don't think so. I am sure 80 or 90 would be the outside. I should say the average would be 40 fish.

5095. How long would the season last?—It begins on the 1st of February, and it is practically over in the middle of June.

Mr. Gwynn.

5096. Is there considerable trout fishing on the Barrow?—There is very fair trout fishing on the Barrow.

Dr. Mahaffy.

5097. There is a very good quality at Monasteraven to my knowledge?—Yes, I think the Barrow trout are probably as good as any in Ireland. There are not very many of them.

Mr. Justice Ross.

5098. Is there anything else you wish to say?—Well, the fish poases give us the most trouble.

5099. Other witnesses objected to them very much because they lent themselves, naturally, to the practice of poaching to extend into across the passes which they removed when they got an indication of anybody coming. Do you agree with that?—Yes.

5100. What is your remedy?—To increase the stock of beliffs. You see every halfpenny on the river has got to look after at least three weirs, and some of them more, and if they find one with a net on it they have to sit there and wait.

5101. Have you any suggestion to make about the construction of the passes?—Well, if the passes were very much wider it would be much more difficult to net them.

Mr. W. M. Byrne, Solicitor.—What I wish to know, my lord, is, if the Committee will sit at any place at a later stage, so that in the event of my clients wishing to appear before them, they might have an opportunity of doing so. They are the people that were concerned in the by-law that was passed in 1908.

Mr. Justice Ross.

Where would it be convenient for them to attend?

Mr. Byrne.—Well, if they were attending, Carlow would be the most convenient place, but none of them have come to-day. I appeared for them in 1908 when this by-law was passed prohibiting netting on the river Barrow. I should be glad to know if the Committee will sit in Dublin at a later stage.

Mr. Justice Ross.

Would it be convenient for them to attend at Dublin if we had a sitting there?

Mr. Byrne.—I think that would be the most convenient place, in the event of their being desirous of attending, of which I am doubtful. You might consider that they did not attend here to-day.

Mr. Justice Ross.

Communicate with the Secretary, and if you inform us of their wish to give evidence to the Committee, we will take it into consideration, and perhaps we may be able to arrange a day for them to come to Dublin. We might arrange to hear two, if the parties desire it.

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Mr. F. E. Brown, examined.

[CAYLOW.]

Mr. Justice Ross.

5102. What river are you desirous to speak about?—The Barrow.

5103. Are you a fisherman?—Yes.

5104. Are you a proprietor yourself?—Yes.

5105. You live on the bank of the river?—Yes.

5106. Have you a river stretch of your own?—Yes.

5107. What is the extent of it?—From three-quarters of a mile to a mile.

Dr. Makoff.

5108. How many stands?—It is one continuous fishing.

5109. Do fish lie in the whole of your water?—Yes, in different spots.

Mr. Justice Ross.

5110. Have you lived there all your life?—No, for 20 years, but I have only been fishing 15 years.

5111. Is it a good place that you have?—Yes, fairly good in certain waters.

5112. What is the best day you ever had?—Oh, well, I suppose about six or seven fish. I have never had that from one rod. I don't think I have ever had that number from one rod.

5113. Are they big fish?—Well, you get them up to 30lbs. There was one of 30lbs. got lower down, but I don't think there were any of 30lbs. in our part.

5114. You don't know anybody that is fishing. You keep it, I suppose, in your own hands for your own amusement and for your guests and friends?—Yes.

5115. What would it be worth if it was let?—Well, I don't think it would be worth very much.

5116. How many fish would you get in the season on an average?—I suppose there would not be more than about 30 fish—30 to 40 fish on an average.

5117. So that it would be worth about £50 if let, I suppose?—Well, I don't think so. It would not be worth anything like that to a man that would take it

Mr. Justice Ross—continued.

for the fishing. There is good fishing only occasionally when the water sets.

5118. Have you noticed that it is getting better or worse?—Well, the last three years it has been better.

5119. Have you any suggestion to make that we could act on?—No, except about the water bailiffs. There are not near enough water bailiffs.

5120. If the water bailiffs were increased you think the river as a whole would become a valuable property?—I would certainly say so; but if ever setting is allowed again we could start setting and sweep every fish that went up the Barrow out of it, practically.

5121. Good fishing depends very much on the height of the water?—Well, just when the river runs, two or three days after a flood.

5122. And in low water you don't get any at all?—Very few.

5123. Now, you have got these pools?—Not many. Part of it is fast and the other is dead and full of weeds.

5124. And you say the fish lie all over it?—Well, in certain spots.

5125. How many good pools have you?—You might get a fish at any part of it.

5126. I asked you how many good pools have you?—Well, two, of about 100 yards each.

5127. Mr. Justice.—Do you agree as to the obstruction caused by bad passes or weirs?—Yes, certainly.

Mr. Guyon.

5128. Are there many other stands like that on the Barrow?—No, there are not really very many, but I think the ones Mr. Thorp mentioned are supposed to be about the best stands on the Barrow. Down below as there are a lot of fish caught, too.

Dr. Makoff.

5129. Where is your fishery?—Dagosahtown.

Mr. C. HAMAR Thorp, examined.

Mr. Justice Ross.

5130. What is the river that you know about?—The Barrow.

5131. Are you a practising solicitor?—A practising solicitor.

5132. And you have fished all your life?—I have fished all my life.

5133. You are a brother of Mr. Robert Thorp who has given evidence here?—Yes. I have also been for some 30 years conducting the prosecutions and generally acting professionally for the conservation.

5134. Now, tell us anything to assist us in this inquiry?—Well, I have always really taken rather a different view from that of a good many other persons about the preservation of the river Barrow and the principles upon which, to my mind, the conservation ought to be conducted.

5135. Let us have those?—I look upon the fisheries of Ireland, and particularly the possibilities of the river Barrow and kindred rivers, as being a very large national asset and a very valuable thing, and I have come to the conclusion that being a public property more than anything else, the public ought to really assist in some shape or form in contributing towards its conservation. I think there are millions of money in it. It may be a large estimate, but I mean to say that I think there is a very large quantity of money in the possibilities of the river Barrow beyond what it produces. Every member of the community has a large interest in it, and I think that really the public funds and rates might be applied largely in preservation of it. It is a very valuable thing.

5136. What body do you suggest should contribute—is it the County Council?—Well, I have not exactly considered the particular fund that would apply to it, but it has always appeared to me that the outside public benefits largely, or would benefit largely, by the capture of the fish, and yet they contribute nothing at all to it.

Mr. Justice Ross—continued.

5137. But the outside public have to pay for it?—Precisely so, my lord, but I think that if the fish-producing resources of the country were very largely increased everybody would more or less benefit by it, and the only fund that is applicable at all, to my mind—I am only stating my opinion, and it may be rather Utopian, but it seems to me that the only fund that is applicable at all to what I consider the common weal in the preservation of the fish is contributed by the persons who capture those fish. I quite agree with you that they should contribute in a much larger proportion than others.

5138. You think the present contribution is a great deal too low?—I do.

5139. And it would be worth these men's while to contribute a great deal more?—I am fairly convinced of it.

5140. You think the possibilities of the river are great and could be developed?—The possibilities are enormous from my experience, which has ranged over a great number of years, and the quantity of fish is so largely proportioned to the preservation. Where the preservation is better, an increase of the fish seems to follow upon it. Now, Mr. Jones spoke a little time ago about the conservancy. Well, I know a good deal of the working of that. Long ago my father was one of the principal conservators of the river Barrow, and he took a great deal of interest in it, and he, I think, it was that originally got permission from the conservancy authorities to allow the constables to take the fine, the proportion of one-third you know, and then the conservators passed a resolution giving the whole of it, and that worked unaccountably well. The police then were allowed to recover those fines directly, and it stimulated their efforts. Then those departmental regulations were passed by which the men were not allowed to take the fine and it went to a common fund; and I quite agree with Mr. Jones and the other witnesses as to the value of the assistance

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Mr. C. HARLEY THOMAS—continued.

[CANTON.]

Mr. Justice Ross—continued.

of the Constabulary in prosecutions. I remember myself having received in prosecutions the greatest possible assistance from the police, and I can say that the fact of the police being actively interested in a prosecution was a deterrent far more than any prosecution by the conservators or by water bailiffs.

5141. When your suggestion is that instead of going into the Constabulary Fund the money should go to the Private Reward Fund?—Most undoubtedly, and I have seen the best possible effects follow from it during the time that was applicable.

5142. Now we understand your view as to its being a public benefit?—I think it is certainly a national duty.

5143. Now, in connection with prosecutions, had you much experience of the practice of poaching?—Yes, a great deal. There was a great deal of poaching, having regard to the fact that there has been a fair number of prosecutions, but the river Barrow is an exceptionally difficult one upon which to catch a poacher. The river is very deeply wooded, and the poaching mostly takes place on the veins by means of the drum netting, and it is very, very hard to catch a poacher.

5144. But surely the number of weirs is not great?—There are a number of weirs there of course.

5145. Mr. Jones—There are 22. Witness—There is something about that, my lord.

5146. And is it the drum-netting that you complain of?—Well, the drum net is the principal thing now. When I remember twenty-five years ago, the snap nets on the river, poachers, particularly at night, were very prevalent. There were several well-known crews that used to do a great deal of poaching on the River Barrow. I think that has gone down a great deal now. Snap-net fishing is a thing that requires a very expert man.

5147. And a great deal of skill?—A great deal of skill. The old men died off, and the young fellows have not, perhaps, attained the same kind of skill. The difference between what a good and a bad crew can do is very marked. It was I that was acting for the Conservators and for the persons interested in the fishing that got this by-law passed and confirmed by the Privy Council, and we have a very marked instance of that, because when the boating proprietors, the men who started the fishing under the authority that your lordship knows so well (the Conservators v. Connolly, the Lord Chief Baron's decision), started on the strength of that, and just got a pure amateur crew that caught little or nothing, and then there were a few of the old men down at Graigueamoyah, and he got them, or his neighbor got them, and they caught an enormous number of fish.

5148. As you acted for the Board of Conservators so long, have you any suggestion to make as to the election of the Board of Conservators?—Well, my idea is, and I don't know whether they might agree with me, but I think the Conservators ought to be abolished altogether, and that it should be made a Government department.

5149. That would be a very big one to throw on the Government, that they should undertake the work of local bodies?—Well, it causes a great deal of trouble. First of all you have got the electorate of peasant amongst the fishermen, the peasant boater holders being voters, and consequently you can't tell whom they may elect. A great deal depends on personal considerations.

5150. Are they not allowed to vote by proxy?—They are allowed to vote by proxy.

5151. Do you think that is objectionable?—I don't think the half of them will ever come to vote, a lot of these men being scattered along the river.

5152. Are the votes collected by proxy?—The votes are collected by proxy.

5153. Does that leave it very much in the hands of a person who wishes to manipulate the election to do what he likes?—Of course it does, and you can't tell what will be the result. You may have, and generally have, a very excellent Board of Conservators, but you may have exactly the reverse. I don't want to cast any aspersions at all upon the fishermen, but there are a large number of these men, perhaps not holders and small men who do, who naturally would not be above

Mr. Justice Ross—continued.

doing a little bit of not strictly regular work in addition to the legitimate fishing, and they enable those to come. They are largely in excess of the others, and they may elect anybody, and those latter might simply wink at anything that goes on.

5154. That is a serious matter?—That is the way it strikes me. You can't tell. You never know where you are.

5155. As a matter of fact, has there never been any application made to the Fishery Board to abolish fresh water net-fishing on the Nore and the Suir?—That I cannot speak of. That I don't know. I believe that there was a comparative demand in the Suir.

5156. The Department will not move unless you apply?—We did it, here on the Barrow.

5157. Why did they not do it and have the matter investigated in the case of the Nore and the Suir?—That I don't know.

5158. Mr. Jones—An application was made and a by-law was proposed, and, as I recollect, it was argued out before the Privy Council.

5159. But was there ever a case for the Nore and the Suir?

5160. Mr. Jones—As regards the Suir, there was, and we were practically told that the diminution of the fish arose on the tributaries. Witness—I got up the case for the Barrow, and we passed it before the Fishery Inspectors, and passed it also before the Privy Council, the late Lord Chancellor and Lord Justice Holmes, and two or three others.

Dr. Mahaffy.

5161. Have you had many prosecutions?—A great many.

5162. And were these good ones put on?—Oh, no; it has been always the greatest possible difficulty to get substantial convictions. I remember once one of the most worthy men that I ever knew about, an old gentleman, saying from the bench in a case in which I was prosecuting "I don't believe in fishery laws at all. Long ago, when I was a boy, I used to get salmon for a halfpenny and a penny a pound," and, he said, "I will never convict a man if I can possibly help it."

5163. Are not small fines illusory, and of no use?—I can give an instance if you like. I prosecuted once a crew for snap-net fishing, and convicted them. There was a tremendous alibi set up, and they appeared to the Quarter Sessions, and the County Court Judge sitting at Quarter Sessions fined them the maximum penalty of £5 a man; that was £20 for the four. That very night they went out fishing again, and I prosecuted them again and they pleaded guilty, and the excuse was that they went out to make the fine, and they were fined the minimum fine of 10s. for the second netting of that very night of the first fine.

5164. Fined by whom?—By the bench of magistrates.

Mr. Justice Ross.

5165. The fines are very considerable?—But practically it pays very well to poach, the difficulties of catching them and convicting them are so very great, and sometimes, of course, there is a difficulty in getting a prosecution, so that it would pay a man very well to poach.

Dr. Mahaffy.

5166. Would you recommend heavier fines?—The maximum fines are fairly substantial if they were enforced, but I would certainly be strongly in favour of an increase in the minimum. I think 10s. is absolutely absurd.

Mr. Greer.

5167. Do you think it would be possible to create a greater interest in the river if the riparian owners were given votes in the election of Conservators?—I don't think they bother very much about them. I quite agree with other witnesses that in the case of the majority of riparian owners who would come in under the new purchase scheme, from the nature of their waters there is very little use. I know lots of parts of the Barrow where tenants have purchased with a large frontage, and, except in the case of deep, heavy pools, where occasionally there are very fine streams, they do not take any interest as a rule. Might I say, with

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Mr. C. HANSEN THOMP—continued.

[CARLOW.

Mr. Grace—continued.

regard to what Lord Rathdownell and about the trout fishing? When I was living in Carlow, a good many years ago, I tried to start that thing myself. There are two most excellent, beautiful trout rivers contributing to the Barrow—the Burnin, which flows through Carlow, and also the river Gessie—and my proposal was to try to get some sort of association to preserve them, charging a certain licence on the things. I communicated with the honorary secretary of the Angling Club in Dublin, and he sought on to the thing at once, and he told us he would give us a subsidy of something from £10 to £20 a year, taking out a certain number of tickets; and I was very nicely working it through, but, from one thing or another, it fell through. I think it could be done very easily, and it would be worth anybody's while, and it would make a large increase in the funds.

Mr. Guyon.

5163. Who are in possession of this river?—Mr. Brown Clayton owns part of the Burnin, and his father,

Mr. Guyon—continued.

at that time, was quite in favour of it, and Colonel Duckett also, and there was no difficulty. And the Duke of Leinster owns very nearly all of the waters of the river Gessie, and he has, to a large degree, preserved it himself. He was very friendly to the idea.

5169. Suppose you had tenant purchases, how could you run your angling association?—That difficulty of the new tenants, of course, did not arise in my time.

5170. Mr. Jones.—You have been engaged in carrying out purchases between landlords and tenants?—Yes.

5171. And can you tell whether the coopers bordering on the river paid anything like a higher rate of purchase?—Oh, no; certainly not.

Mr. Justice Ross.

That is the universal experience.

Mr. B. W. HALL DARE, D.L., &c., examined.

Mr. Justice Ross.

5172. What river are you acquainted with?—The Slaney. I live on the best part of the Slaney, and all below me is the part where the fish come early. A good many of the tenants have bought out there, and, of course, it is fairly valuable; and they all let their fishing.

5173. Do they all do so?—Yes.

5174. Can you give us any information as to what they get for it?—I should think a very small amount, perhaps £10 for a stand, and some, perhaps, more.

Dr. Mahaffy.

5175. Has any hotel-keeper tried to get a lot of these together?—No; the most of it is taken in stretches.

5176. Do you know that in many parts of Ireland a hotel-keeper is hiring the fishings from the new owners and working them together, but that has not been done here yet?—Oh, no, it has not, but there is not really enough of it. It is mostly taken from the men who have purchased.

5177. How many miles is it from you down to Ennisceorthy?—Twelve.

5178. Is there plenty of fish all the way down?—Yes, it is fish all the way down.

5179. The estuary comes up to Ennisceorthy?—Yes. And also above me, towards Tullyow, a good many who have purchased all let their fishing.

Mr. Justice Ross.

5180. There is not a great deal reserved by the landlords?—I am the only one that did it with the exception of Lord Portlough.

5181. All the rest of the fishing has gone to the tenants?—Yes, where it has been sold.

Dr. Mahaffy.

5182. What reach of the river have you?—Well, I have, in what is my own and what I take, about six miles.

5183. You have a great deal of fishing?—Yes.

5184. Have you a good many rods?—Yes; I let half.

5185. What is the best day?—Well, the best day on my water, that is, on my half of it, is tea.

MAJOR BROWN CLAYTON, &c., examined.

Mr. Justice Ross.

5186. What river are you acquainted with?—With the Slaney, and the Burnin, which runs into Carlow here.

5186. Can you tell us about the Barrow?—The Barrow is a tributary of the Burnin. I have reserved that for trout fishing, and I am afraid the tenant's got very little time to look after it this year. I know there were four salmon left up there, that is in about a mile and a half or two miles of water.

Mr. Justice Ross—continued.

5187. You mean by poaching?—Yes, poaching; when the river gets low a lot of salmon go up for spawning. They go up for seven or eight miles. I have had them taken out eight miles above Carlow, these spawning fish. I preserve the trout, and I quite agree with the remarks that have been made before, that there ought to be a licence for trout fishing, and an increase of the licence for salmon, both rod and net. I think that would be the only source from which money could

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MAJOR EDWIN CLAYTON, J.P.—continued.

[CARTON.]

Mr. Justice Ross—continued.

be got. With regard to my experience of the Slaney, I have only fished two seasons. Last year, on the upper waters, I got six fish, and this year only two, and that was because of the extremely small number of fish that were up in the Slaney in the early part of the season; and in pools that I know there were a good many fish in last year there were very few this year.

Dr. Mahaffy.

5198. What sort of trout have you got?—All brown trout.

5199. What quality of trout?—Best quality, pink flesh.

5200. Would you say a dozen would be a good day's fishing?—One day, with three rods, this year we got 45.

5201. What weight?—They were all over half a pound. We take nothing under half a pound.

5202. That would be 30 lbs. weight?—Yes.

5203. That was after a flood?—Yes, after a flood; and I have known 107 of the best trout got in two days' fishing.

5204. That is very good?—Very good.

5205. Do you know what it is that makes them so good?—I don't know. I don't know any river all round here where the fishing is better and where the trout are in better condition. There is a constant supply of them coming up from the Barrow, big trout. It is mostly all dry in this time of the year, but in the spring we fish with it wet; and there are very few pike. We wage war against them.

5206. What method do you use?—Netting; and there is an old fishing way of sending down a minnow with a hook attached to a bladder, and then you follow it down.

5207. Don't you net them in the shallows?—No.

5208. They go to spawn in the reedy shallows in the spring; but you say they have not troubled you?—No; I have never seen them in my part. But there are lots of trout fishermen about here; but I preserve my two miles, and I have got more trout in that part than I have ever seen here after three years' preservation. I was just asking about my health, and he can't preserve.

5209. The Conservators can do that?—I didn't know about it. Of course he will look after the salmon. Most of them run up above me.

COLONEL EDWARD G. LEWIS, examined.

Mr. Justice Ross.

5222. What river are you acquainted with?—The Slaney. I have been fishing the Slaney for seven years now.

5223. Do you live there?—I do. I have taken a house on lease there.

5224. And are you a salmon fisher?—Yes, I am, and I have been all my life.

5225. Has it improved or deteriorated since you came there?—Well, I certainly think that it has rather improved in the seven years I have been there.

5226. What river frontage have you?—I have about a mile and a quarter on one side.

5227. Whom do you rent it from?—Part of it goes with the house. I rent a part from one of those upstream owners that we are discussing, one of the small ones.

5228. How much of the frontage has he?—He has about three-quarters of a mile.

5229. We will be interested to get now the market value. Would you tell me how you pay him?—I pay him £5 a year. I think it is worth, to an ordinary man, about six fish.

5230. About a pound a fish is the rate we are to reckon?—Yes.

5231. And on the rest of the fishing how many did you usually get in the seven years?—In the first two years (I was a soldier out of the country, and I only got away occasionally) I suppose 15 to 20, fishing

Mr. Green.

5232. We heard of some association for preserving trout here?—Oh, that was not in my time, but in my father's time. Mr. Thompson proposed it. I have taken it up and I preserve it.

5233. Do you know about the other tributaries?—No, I have never fished on the Grease or the Lerr.

5234. Would they be called good for trout?—Yes; I think the Grease a fine river for trout.

5235. In what way do you improve the trout fishing by preservation—is it by keeping all kinds of anglers off?—By keeping all kinds of anglers off. I have a boat constantly on it from the time the fishing opens.

5236. And what spoils the other rivers is the continual catching of the fish and taking even small fish?—Yes, that to a certain extent. I have an enormous lot of small fish in my part. They are rather a bother, because when you are fishing for big trout you get quantities of small ones. With regard to herons, I think the herons are most destructive. This year a man who lives lower down the Barrow told me that he had seen several hundreds of them this year on the lower water, and "I will never let off a heron again," he said, "if I can get a shot at him." They breed largely at Ballyteely, about two miles from the river.

5237. In woods?—Yes. I have heard there were some 800 nests there, or something like that.

5238. If all not like that, you would very easily destroy them?—Yes, if all would agree.

5239. Was that Mr. Lacey?—Mr. Lacey; but he is not a fisherman.

Mr. Justice Ross.

5240. But the general belief appears to be that herons are not destructive?—But they are.

Dr. Mahaffy.

5241. I have seen it going on?—Witness—It is a fact, and the big trout that they can't eat they spear and leave there to die.

5242. They swallow quantities of them?—Any quantities of them.

5243. A witness who was asked said they did not do any harm at all, and I was surprised at that?—I don't agree with that at all. I am sure they do great harm.

Mr. Justice Ross—continued.

almost entirely on the fly—but then also includes fish got on other parts of the Slaney where I had occasional laws.

Dr. Mahaffy.

5244. Did you take big fish or small fish?—I have been most successful with small flies. In the district, on the other side, there are two small proprietors who do not let their fishing. These men have licenses and sometimes fish fairly, but the right to carry a gaff on the river is abused, and the license is an aid to poaching. These two men were convicted and fined £5 each on illegal fishing—one of them was caught on my bank.

5245. What were they poaching with?—A gaff. They stoned the pools very scientifically, and they knew exactly where the fish would go, and they gaffed them and cleared the river.

Mr. Justice Ross.

5246. Was this done at night?—No, generally in the early morning. It must be still, and the light must be good.

5247. They must see the fish?—Yes, that is the whole thing.

Dr. Mahaffy.

5248. How wide is the river?—It is very small. You can fish the whole of it very easily.

8th September, 1911.]

OSWALD BRIDGES G. LEWIS—continued.

[CARLOW.

Mr. Justice Ross.

3237. Have you both sides of the river?—No; I am on the opposite side to these people. They fish fairly, occasionally, but, undoubtedly, it is a great temptation to them.

3238. Have you any suggestion to make?—For instance, for seven miles below I have counted and find that there are 17 or 18 small holders there who have got fishing rights. Some let and some do not let, and it is a great danger where it is not valuable enough to let and where you have a man with a little stretch of river, perhaps, and a licence. I think it would be well to have a system by which a licence holder, on conviction of poaching, should forfeit his licence or have his licence endorsed, as in the case of a motor car licence, and I think that could be done without obtaining any special powers. If it is the existing law, it is not over done. I have never heard of its being done by the magistrates.

3239. Anything else?—Well, of course, the question of the preservation of the upper waters depends on the amount of funds at the disposal of the Conservators. Personally, I quite think that the amount of the licence duty should be raised, both for net and for rod, if necessary, in which case it might hit some of the poor men hard, good sportsmen who like to have a bit of fair fishing; and I don't see why a short licence period should not be given, as in the case of game licences, for 5s. a week. Such a licence could not be very well used then for poaching. It is in the late spring, May and June, that the poaching takes place. I certainly think that funds might be raised by increasing the amount of the licence duty, and it could be quite easily done. As regards the pike, I am quite certain that the pike question ought to be taken up by the Conservators, or by somebody. In 400 yards of water we killed upwards of 50 pike of 15 lbs. and downwards, and there is scarcely a trout left in the river; and, of course, they also feed on great quantities of salmon fry whenever they get the chance.

Dr. Mahaffy.

3240. How did you do it?—Different ways. Every way we could.

Mr. Justice Ross.

3241. Do you think it would be well to give a reward of a shilling a pike?—Yes. They don't go above Tullow. They don't affect the upper spawning beds. They never get over the weir.

Mr. THOMAS NELSON, examined.

Mr. Justice Ross.

3247. What are you?—I am a lock keeper and a water bailiff.

3248. Is the river improving since the by-law?—I would say it was.

3249. Exactly?—Yes.

3250. Did you hear the evidence of the other witnesses?—Yes.

3251. Have you anything to add to that?—Well, not much, but as regard to the gaps on weirs, that is the only thing.

3252. What do you say as to that?—I would say that there should be something done as regard to that. They should be widened, or they should be shifted. The weir is now about 30 yards long, I suppose, and the gap is right, in some places, within five or six yards of the bank, and that is giving poachers a ready chance, whereas, if it was in the middle of the weir it would not give them such a chance.

3253. They could not get out to it?—They could not get out so easily.

3254. What is the depth of the water?—I suppose in some parts of the weir there are not two inches of water going on over at the present time, but on the gap there is always, at the lowest water, I suppose four or five inches of water going over.

3255. Now, have you any other business besides being a lock keeper and also a water bailiff?—Yes.

3256. But you are kept pretty tight to the lock. You could not go away from the lock to see whether

Mr. Justice Ross—continued.

3242. Have you any explanation of why you find them in some rivers, and in the next river, with apparently the same conditions, you won't find them at all?—I think it is largely a question of imbecility. They have had the bad luck to get into some rivers, but unless they can find good spawning beds, they do not increase much.

Mr. Green.

3243. I think you are not greatly troubled with sheep wash on this river, which is sometimes said to have a poisonous effect?—I have heard that expressed, but I don't agree with it at all. It was pointed out in the previous inquiry that the amount of poison in sheep dip cannot possibly affect the river at the time it goes in, and, at the worst, it is the slight scum which comes off the sheep that spoils the appearance of the water. It comes on in the middle of May, at a time when the fish are beginning to come to rise, and it is always put down to the sheep dip, but it is really due to the natural incubation, in warm weather, of the fish to get sluggish.

Mr. Justice Ross.

3244. But surely it is poisonous?—It is put on in September, and it is on the sheep all the winter. You don't wash the sheep till May, and I don't see that there can be any poison left in the fleece. I am a sheep farmer myself, and I see them washing the sheep, and I know exactly the state of their fleeces, and there is not a sign of the dip left in them. I would prohibit a licence holder from carrying a harbed gaff. It is not necessary for fair fishing, and it is, undoubtedly, an instrument of poaching. I don't know about other rivers, but they always fish on my river with a harbed gaff, a great big thing with a bark half an inch long. It is not wanted for fair fishing.

Dr. Mahaffy.

3245. I would not think it necessary, even for poaching?—Well, they do use it, as a matter of fact, because there is a lot of kick in the fish, and they slip off.

3246. A man might knock them off with the gaff?—Yes. I don't think anything can be done to prevent people disposing of poached fish, for it is very easy to disguise poached fish as legal fish.

Mr. Justice Ross—continued.

poaching was going on?—Oh, well, my wife or children generally noted the lock.

3247. And I suppose you think the river has not enough of water bailiffs?—Yes.

3248. And you have a lot of poaching to detect?—Well, not so much as when I went on at first.

3249. You think it has diminished?—Yes, I am sure of it.

3250. Supposing the police were to be put on this, wouldn't they know every poacher in the country?—Well, they would know a good deal about it, but a local man would know more; a man that would be used to the river and used to the place would know more about the things than a policeman. In fact, some of the policemen know nothing about it.

3251. A stranger would know nothing about it?—No, sir, a man that is not raised near the water.

Mr. Green.

3252. Where is your lock?—Sluggish, about two miles below Bagenalstown.

3253. There is a good deal of free fishing, is there not?—Don't a great many fish free on the river there?—Oh, yes.

3254. There is plenty of it?—Yes.

3255. And when these men go out to fish they catch a fair share of it occasionally?—Oh, yes, sir.

6th September, 1911.]

Mr. ROBERT F. TROSE, re-called.

[Glasgow.]

Mr. Justice Ross.

3266. You wish to make a statement?—Yes. I had an experience last year which shows a curious coincidence with the opinion expressed by Colonel Lewis. The place I fish is 400 yards below one particular place in the river where they wash their sheep; and this particular day, I won't exactly estimate the number, but the sheep were there all the day being washed, and next day I killed four fish 400 yards below; so that I quite agree with him.

The Committee adjourned.

Mr. Justice Ross—continued.

3267. Do you farm yourself?—Yes.
3268. Do you keep sheep?—I have very few sheep, and I don't wash in the Barrow.

Mr. Green.

3269. You think most of the poison is washed out of the dip already?—Oh, I am perfectly convinced of it.

THIRTEENTH PUBLIC SITTING.

THURSDAY, 7TH SEPTEMBER, 1911.

AT 10 A.M.

At the Courthouse, Kilkenny.

PRESENT:

THE RT. HON. MR. JUSTICE ROSS (in the chair).

REV. JOHN FORTLAND MURPHY, D.D., LL.D., Q.T.D.
MR. SEYMOUR GUYER, M.P.

MR. W. L. CALDERWOOD, F.R.S.E.
MR. W. B. GIBSON, C.E.

MR. R. H. LEE, Secretary.

Mr. James McCORMY, examined.

Mr. Justice Ross.

3270. I understand you are a member of the Board of Conservators?—Yes, and I have been for a great number of years.

3271. How many years?—I think it is nearly thirty years since I was on the Board first.

3272. What river have you had experience of?—Well, practically only the Nore and its tributaries; and I have some knowledge of the Barrow.

3273. How many years are you able to speak to?—Well, I am fishing over thirty-five years ago.

3274. Are you a sporting proprietor?—Well, no, not personally.

3275. Do you rent fishing from anybody?—No; I don't rent any. I have leave on several properties.

3276. Are matters, as regards fishing, getting better or getting worse on this river—the Nore?—Well, I consider they are getting worse.

3277. To what do you attribute that?—I attribute it principally to poaching and non-preservation. We can't preserve on the funds we have. We have to pay a man ten shillings a week, and that won't get a competent man that will act independently.

3278. How many baillifs have you?—Well, only about four, and they have to mind about sixty miles of river.

3279. Of course, that is an insufficient number?—Insufficient.

3280. And are you able to keep those four on continuously?—Well, three of them generally are on continuously.

3281. You say three of them are on continuously?—About three.

3282. Will you tell me anything you have to say on the subject of poaching—how do they poach, and why do they poach?—Well, they poach by gaffing pithepally. All the fish have been gaffed this year, the water is so low. Everyone is at it.

3283. Low water, of course, lends itself to that kind of thing?—Yes.

3284. Have you had any convictions?—Not for gaffing. The poachers are not caught, because they have too many secrets about, and there is not a sufficient complement of baillifs to catch them.

Mr. Justice Ross—continued.

3285. Now, have the Land Acts had any effect in converting the farmers into riparian proprietors?—Yes, there are some on the upper waters, and this year, for the first time, three of them let their fishing.

3286. To what kind of people do they let their fishing?—as to local people or strangers?—Well, not exactly to strangers. They come from near Waterford, and the fishing is let for a very nominal thing.

3287. It is let at a small rent?—At a small rent, £2 a man. Two pounds a farm as, I believe, about the same.

3288. I suppose they have not yet realised the value of the property?—No, and they have all sorts of poaching going on, and make no attempt to stop the people going there. I pointed out this to one of them the other day, and I asked him to put down the poaching, and, I said, "Instead of getting £3 for your fishing you will get £10 if you only keep poachers off your land."

3289. Are the poachers local people?—Well, they are.

3290. Are they from the town?—No, not from this town. I am sliding now to the upper waters of the Nore, about Ballymagget, about ten miles from here.

3291. They are local poachers?—They are local poachers; in fact, everyone is at it; gentlemen and all.

3292. Is that so?—Yes; so I am informed. Of course, I have not seen it.

3293. And I suppose they take the fish out of season. Do they do that?—Well, they take them whenever they can get them. There has been a lot of poaching going on in this river, too.

3294. Tell me about that. What do they poison it with?—Quick lime and paraffin oil.

3295. And they do a lot of mischief?—A lot of mischief. Everything that is living is killed in the stream, millions of little fish.

3296. Even the fry?—The fry, and minnows, and everything, but particularly in the small streams which are tributaries of the Nore, which is a great spawning river for salmon and trout.

3297. I suppose they don't consider at all the effect it will have on the fisheries and fishermen at the mouth of the river?—Oh, they don't care.

Mr. Justice Ross—continued.

5298. They don't care?—They don't seem to care.
5299. Now, that being so, do you think anything can be done to prevent this state of affairs from going on, because it seems to be a great waste of a valuable asset, and, therefore, I ask you what do you recommend, or does anything occur to you that can be done?—The only thing that I think could be done would be for the Government to take it up themselves, and let all the funds go to the Government to pay the police. No one else will do it properly.

5300. Do you think that would be popular?—I think it would.

5301. Do you think the people would come to realise the value of the asset sufficiently to support a policy of that kind?—I am sure they would. At least, that is my idea. And another thing that has had a very pernicious effect on the fishing is, that we are entitled to bend over a portion of the fine to the Constabulary Fund instead of paying it to the man who got the conviction—the man who has been out all night. Several convictions may be out all night, and they will get a conviction, and that money goes into the Constabulary Force Fund, and a man that never saw the river at all will get so much of the fine as the man that worked all night for it. We had a great many more convictions when the police who prosecuted the men themselves got their portion of the fine. Now they have practically no interest in it. I was against it in the first instance, but other Boards of Conservators consented to it.

5302. It is not a police regulation?—Well, it was the Constabulary authorities that asked it to be done, and, unfortunately, we consented to it.

5303. But you think it is a mistake?—I think it was a positive mistake.

5304. You have not communicated with the Constabulary authorities, asking them to reconsider their action?—Well, I don't think so. I don't think our Secretary has, though we have been discussing it several times.

5305. You have not passed a resolution on it?—No.
5306. But that is your opinion as a member of the Board?—That is my opinion.

5307. Do you think that that represents the views of the whole Board, so far as you know?—Yes.

5308. Now, can you say how many of those tenant possessions there are on the river?—Oh, yes, there are a great number, but it would be nearly impossible for me to say how many. You are, on this river there is an immense number of small holdings. One man will have two or three fields, and another man will have one field, and that is the sort of thing.

5309. Still, you say that there are many river frontages?—Yes, and generally with small holdings.

5310. Knowing the kind of people that are there, do you think it would be possible to induce them to enter into some arrangement under which something could be done to preserve the fishing?—Well, I think so. I am sorry not to see any of them here to-day. Oh, yes, I see one of them here, a Mr. Newport; but I, personally, asked a lot of farmers, who are directly interested in it, to attend here to-day.

5311. Now, I suppose the resources of the Board of Conservators are, in your opinion, wholly inadequate?—Oh, quite inadequate. You can't pay an independent man. You want a large number of them, to commence with, and you must pay a man well if you want to have him independent. He can't live in a country district and prosecute his friends and neighbours for getting fish and killing fish unless he is so independent that he can live without doing other work, and, of course, a man with 10s. a week can't do that. He must live beside the place and go out at night.

5312. Have those four that you mentioned got other employments?—Oh, yes, they all have some other employment.

5313. And that, of course, takes them away from their business as water bailiffs?—It does.

5314. Have you thought at all about how money could be raised for the purpose of getting more bailiffs and paying them properly?—Well, no. It would be hard to suggest anything that way.

5315. As far as the securing of convictions for poaching is concerned, you have already told us what you would suggest, namely, that the reward should be

Mr. Justice Ross—continued.

given to the policeman himself, instead of being sent up to Dublin to the police fund, and that there should be more waterbailiffs employed?—Oh, decidedly.

5316. Have you anything else to add that you think would assist us in considering the question?—No, I don't think so.

Dr. Molloy.

5317. Do you fish altogether for salmon, or also for trout?—I fish for salmon and trout.

5318. You fish also for trout, you say?—Oh, yes, sir.

5319. Is there not good trout fishing in this river?—Yes.

5320. Is there much fine fishing for trout?—Oh, it is nearly all fine, except in a few places, such as those of General MacMurtrei and Lord Ormonde, and places of that sort.

5321. What would you think of getting a small licence on those people who have fine fishing?—I think some increase in the funds would be possible in that way.

5322. Why did not that suggest itself to you?—Of course, it would be very unpopular. It is done in other rivers.

5323. Now, how far up can you kill salmon on the Nore, and I know it is very well, and have caught them myself?—I can kill salmon nearly ten miles above Ballynagget.

5324. Not at Abbeyleix—they never kill them there?—Not much, but you can get them at Mr. Flower's, which is above at Dunmore, and Mr. Stimpes' place, that is just at Abbeyleix. And, of course, we have water bailiffs at Monasterevin. There is great destruction of fish there in the spawning season.

5325. You are talking of the head waters, that is in the side streams?—No, the upper reaches of the Nore.

5326. Do the fish spawn actually in the Nore?—Oh, yes, numbers of them.

5327. The side streams are also of importance, are they not?—Oh, most so.

5328. And that is where the gaff is the simplest of all instruments?—Well, they get them with pitchforks and everything there in the small streams.

Mr. Green.

5329. In some places where we have been we have found a desire amongst the tenant purchasers to form associations for the purpose of letting the fishings when they are of letting value. Do you think anything of that sort would be possible here, that is, to get all those small tenant purchasers to combine and then divide the profits that they might get from the letting?—Well that might be possible, but as the upper waters there are so many of these people that they would really get nothing out of it, it would come to such a small thing.

5330. It is only on the main river?—I am alluding to the main river.

5331. You think it would not be possible?—It might be possible, but it would be very hard to get them all to agree to it.

5332. What I was suggesting, as a thing that it might be good to try, was not to let the fishing at so much per head, but to let it to one man and to divide the proceeds at the end of the year. In some places we found that that was being done, and that they were applying the proceeds to the reduction of the rates on the farms, the association paying so much against the poor rate out of the proceeds of the fishing?—Yes.

5333. Are those people members of any association that might form the foundation of such a combination?—No, I don't think so.

Mr. Gwynn.

5334. What would be the value of the farms owned by the men who, you say, are letting their fishings above Ballynagget, the men that are getting £5 a year for their fishing?—Well, one man has a farm of about 100 acres, but his river frontage is not very much.

5335. But, generally speaking, they are men to whom £2 would not be a big sum of money?—Oh, it is nothing to those men at all. I always fished the river there for a great number of years, and had permission from them; and they said it was to keep off poachers.

7th September, 1911.]

Mr. JAMES MCCORMACK—continued.

(KILKEEN).

Mr. Gwynne—continued.

and keep fellows from dodging about the banks all day, but still that did not prevent them in the least. They said it was not for the money, but for the purpose of keeping much people off.

5330. Of course, the gaff fishing was exceptionally easy this year?—Oh, yes, and for twenty years there was not such a year before, the river was so low and clear.

Mr. Childers—continued.

5331. You referred to three tenant purchasers who let their fishing?—That is all that I am aware of.

5332. Was that for net fishing or rod fishing?—Oh, rod fishing.

Mr. Childers—continued.

5333. And where are the tenant purchasers situated who let the rod fishing?—Above Ballyragget.

5334. Ten miles above the bridge here?—Yes.

5335. Are the great majority of the tenant purchasers in that district further up than that still?—Well, that would be about the middle of them.

5336. That is, of the great majority of the tenant purchasers. Are there any tenant purchasers in the lower waters?—Oh, yes, I think Mr. Newport could probably tell you a lot about them. He is in the lower part. Whether they acquired the fishing rights or not I don't know.

GENERAL SIR HUGH MCCORMACK, K.C.B., continued.

Mr. Justice Ross.

5337. Sir Hugh, how long have you been living in your present residence?—Since 1893.

5338. That was the time of your first acquaintance with the district and the river?—Yes, quite.

5339. And your residence is close to the Nox?—Yes, overlooking the Nox.

5340. Mount Juliet is on the Nox?—Yes.

5341. And there is another river, is there not, an important tributary of the Nox, close to you?—Yes.

5342. What is the name of that?—The King's River.

5343. I suppose you fish them both?—No; the King's River is just above the fishing that I have. It is just above Ballyragget.

5344. Then, have you preserved your fishing on the Nox?—Yes.

5345. Strictly?—Yes, strictly.

5346. Have you both banks?—Except Narahunda. But I have, practically speaking, both banks. As a matter of fact, I have got Narahunda now, so that I have got quite two miles of bank on each side, and more.

5347. Well, is it a good river?—Yes; I think it would be one of the best rivers in the Three Kingdoms if it was properly preserved.

5348. Have you the best part of it?—Well, it is exposed to be a very good part of it, because the fish lie there.

5349. How many stands are there on the two miles?—I should say, roughly, seven or eight good stands. I should think so.

5350. What would be the best day you remember since you have come there?—Witness—Do you mean rod fishing?

5351. Yes?—Well, the best day that I can remember there was eight or nine fish got.

5352. When was that?—I think it must have been in 1904.

Dr. Makgill.

5353. Two or three rods?—There were three rods on.

Mr. Justice Ross.

5354. Well, now, do you think that since you have come there the fishing has been getting any better or any worse in any marked way, or is it about the same?—My idea is that it is gradually deteriorating.

5355. Now, you must have thought over the cause of that, and would you tell us what you think the deterioration is due to?—I attribute it, in the first place, to what they call the big net at Woodstock, that is Mr. Tighe's. He has got the right of taking the fish out of the river, and practically, at times, all the fish appear to me to be taken out of the river there. A tremendous amount of fish have been taken out by this net, and I think it is the general idea of the fishermen that as long as that net is worked in the way that it is worked now, the fishing must deteriorate.

5356. But that has been going on for a great number of years, has it not?—No; it has not been fished in the way that it is now used. It is only for a few years, comparatively, but I don't exactly know. It was before I came here that Mr. Tighe established his right to this.

5357. Had he established his right by legal proceedings?—Yes, by legal proceedings. It was before I came here; but it is comparatively modern, I mean.

Mr. Justice Ross—continued.

It is within the last twenty years anyhow, but I am not certain of the date.

5358. You alluded to some change that has taken place recently in the way of the working of the net. What was it?—The net is worked systematically. There were complaints about the net. It is common talk.

5359. However, I don't see how we can possibly interfere with it, or enter on any discussion of it, because you say it is a legal right, there is nothing illegal in it?—Well, some arrangement might be made to buy up Mr. Tighe's right. I would suggest that, and I would suggest my view that it might be done by chain taxation on riparian owners, and doubling the cost of the net fishing of these net net fishermen, and also increasing the taxation generally on the river; and, perhaps, then the Department would be able to pay part of it, that is, part of the expense of improving the river, because there is no doubt that if some arrangement could be made about that net, the fishing could be vastly improved.

5360. Well, but don't you think that the real root of the evil lies more in the spawning beds in the upper reaches?—That is another point, that in the winter they are not properly watched.

5361. Exactly?—Yes; there are not enough of watchers on the river. Another point is that the watchers that there are—and they are extremely few—do not devote all their time to looking after the river.

5362. You can't expect men that are getting only 10s. a week to do that?—But they ought to get 30s. a week, at least. The head bailiff ought to get 50s., and the others ought to be proportionately paid.

5363. It is not very pleasant work, and it is not very regular work, I suppose, prosecuting these poachers?—Well, if it was well paid, it would be very pleasant work.

5364. Then, I may take it, considering the suggestion that you made a few minutes ago about raising money for the purchase of Mr. Tighe's fishing, that you would apply the same methods, if possible, for the purpose of raising funds to keep more bailiffs and to have the upper waters properly watched?—Yes, certainly, and to have the river properly worked. It is not my opinion alone, but it is the opinion of every expert over from England, that the Nox would be one of the best rivers in the Three Kingdoms if it was properly preserved. It is a great pity, and I don't think the riparian owners, and especially the farmers who have become riparian owners, now appreciate at all, or have any idea of, the value of the asset they have got in the Nox fishery. They are quite apathetic.

5365. Do you think that if it was properly put before them they would see the value of it?—Oh, yes.

5366. And that it would be possible for them to combine as has been done elsewhere, in Deontal and other places?—Yes, I think so, if it was properly put before them.

5367. If they saw it was for their interest?—I think so.

5368. Do you know much about the trout fishing, and do you take an interest in it?—Well, we have very good trout-fishing at Mount Juliet. The river is full of trout.

5369. And what do you think of the suggestion that trout fishers should pay a small sum for license to fish—do you think that they would be ready to do

14th September, 1911.]

GENERAL SIR HUGH McCALLUM, K.C.S.—continued.

[KILGERST.]

Mr. Justice Ross—continued.

that, having regard to the improvement that would be effected?—Yes, I think so, certainly.

5376. The great difficulty that we find is in getting any suggestion about the spawning beds. The people on whose land or property the spawning beds are situated are very high up the river, and, of course, there is no fishing there?—That is so.

5377. Has any idea occurred to you of how it might be made to their advantage to preserve the spawning beds?—I think if it was thoroughly put before them that the value of the river and the fishing depends upon the spawning beds they would be more disposed to preserve them. I don't think the people understand or appreciate what is the value of the spawning beds in these streams.

5378. But, of course, that would bring no money to them in the absence of some special arrangement?—Then I don't see any way unless you can have these streams very carefully watched in the winter, that is, in the close season.

5379. You are it is easy enough to convince riparian proprietors that it would be for their advantage to preserve the river, and have whatever is made by letting the angling of the river and selling the fish, and all that kind of thing. It is easy enough to convince them that that is for their interest, but the preservation of the spawning beds on the higher reaches of the river is infinitely more important. The people up there do not fish these streams. The places are not fishable at all, and it is difficult to see how we can get those people to be interested in them, or what inducement we could give them to be interested. Has anything occurred to you about that?—No, I have not thought over it.

5380. On the question of poaching, have you anything to say to us?—Well, I go by the general information that are put. The river is seriously poached above Mount Juliet, between that and Bennett's Bridge, but it has been poached apparently for years. The river is not preserved. There is a water mill on it, but I fancy those in poaching, and everybody can fish. There is no question asked such as, "Have you got a licence?" Anybody can fish there. The riparian owners don't look after it. That is apparently the worst part of the river as far as I know.

Dr. Mahaffy.

5381. Have the fishing rights passed from the old landholders?—I think the fishing rights belong to the present Lord Bellis, and they have been in abeyance, practically speaking.

Mr. Justice Ross.

5382. Do you think they pass really for sport, or is it for the value of the salmon?—Oh, for both.

5383. Where do they dispose of those salmon?—New Ross. Salmon may be disposed of there or anywhere.

5384. And I suppose they would take a salmon full of ova just as readily as any other?—Oh, yes.

5385. Without thinking in the least of the great mischief they were doing?—Oh, not in the least.

Dr. Mahaffy.

5386. You are not troubled much with poach. You have a lot of trout, but never many pike, I suppose?—No, I don't think so.

5387. If you had many pike you would not have trout?—No.

5388. Now, are you troubled with cormorants?—Yes, there are some cormorants.

5389. Do you shoot them?—Oh, yes.

5390. They are very troublesome pests?—Oh, they are very bad. There are always cormorants.

5391. I suppose there are some herons?—Yes, there are herons, but I don't think they do anything like the same damage. There is a heronry at Ballyfish, opposite Mount Juliet.

5392. But you don't think they do as much harm?—No.

5393. Is the river ever poisoned?—No, not in our part.

5394. You talked of buying up Mr. Tighe's rights?—Yes.

Dr. Mahaffy—continued.

5395. You know that is a most valuable property?—Yes. At the time of the Connellion the net was off work on the Thursday, and there was vastly more fish at Mount Juliet on the following Sunday and Monday than had ever been known before.

Mr. Callender.

5396. Are all the salmon fishings in this district valued?—I don't know about that.

5397. I wished to ask, in view of the necessity which you say there is for raising money, whether it is possible at all to have an assessment on the valuations, but you can't tell me?—Well, I pay so much. I think I pay £150 for my part of the river to Lord Carrick.

5398. Do you know what the income of the Board is?—No.

Mr. Justice Ross.

5399. The £150 is the separate rent that you pay to Lord Carrick?—Yes.

5400. But you don't know the valuation of it, that is, how it is valued in Dublin?—Yes, I do know the valuation is £20.

5401. On what you pay a rent of £150 for?—Yes.

5402. How many fish do you get in the year?—Witness—With the rod?

5403. Yes?—Last year I think we got 120, and this year we got 100 up-to-date, exactly. It is a river that is very low this year.

5404. It is enough rent?—Oh, quite enough.

5405. So that if it was proposed to buy up Mr. Tighe's net I think you would be quite willing to contribute a proportion?—Well, I should. I am a leaseholder; I am not an owner. It would pay an owner to contribute largely to it.

5406. Do you think that there are many owners on the river who would be willing to take part in a scheme for buying out Mr. Tighe partially or wholly?—That I can't say. There might be some, but there is always a difficulty in getting a combination of people to do anything. It has been often proposed, but nothing has ever come of it.

Mr. Green.

5407. I suppose there is no fishing on the Nere let for as high a rent as you pay?—No, I don't think so.

5408. There is no other?—No. This fishing that I am paying £150 a year for would be worth a great deal more if the river was properly preserved and if the fish were allowed to come up.

5409. And some of the other fishings too?—They would all become valuable just as they do in Scotland.

5410. There is no insuperable barrier above your fishing that keeps the fish down in your fishing. They could pass up usually?—Oh, they could pass up usually, but the river would have to be very much better watched than it is at present, and the poaching, of course, would have to be stopped if possible, that is what goes on between Ballyfish and Bennett's Bridge.

Dr. Mahaffy.

5411. Is that still Lord Bellis's?—I think he has the fishing rights.

5412. He takes no care of it?—No.

5413. And never did?—No, I don't think so.

Mr. Green.

5414. Do you think dealing with any of the weirs on the river would help matters?—Oh, certainly.

5415. There are some of them quite ruined?—There is a weir just below Mount Juliet, and that is not used at present, but it might be used any day; and there is another weir near Coolmore, that might be used.

5416. The mills there are not gone into ruin?—Witness—Where?

5417. Down below you the milling power is not in ruins?—No, there are one or two mills, and some of the mills are working.

5418. But some are in ruins?—Some are in ruins. There is a mill just within my fishing on the river which is in ruins. There is another below Thomastown.

Mr. Guyana.

5419. I suppose the power might be used for electric light installation?—Oh, yes, or anything else.

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Mr. G. B. NEWPORT, J.P., examined.

[KILKENNY.

Mr. Justice Ross.

5403. Mr. Newport, where do you live?—Close to Inishoge, practically adjoining the tidal waters, the lowest reach of the river on the fresh water.

5421. Are you a riparian proprietor?—I am.

5422. And are you interested in fishing?—Yes, I am very keen on fishing.

5423. You are a fisherman yourself?—I am, for many years.

5424. How many years can you speak of?—Thirty-one years.

5425. Then you are below General McCalmont?—Yes.

5426. Now, have you noticed any change in the fishing in recent years?—Yes, a very great change.

5427. For the worse?—For the worse, undoubtedly.

5428. To what do you attribute that?—To excessive netting, both in the lower waters and in the fresh waters, and to the poaching in the upper waters.

5429. And, in the lower waters, are you alluding to Mr. Tighe's netting?—I include everything. Mr. Tighe has a net there and it sweeps the whole river, and he is within his right to do it; but we all know that you cannot kill a laying hen and have the eggs.

5430. But with regard to the ordinary fishermen that fish in the estuary you have no complaint to make, have you?—Witness—What do you call the ordinary fishermen?

5431. The snaphan men?—Yes, they poach. They fish out of season and in season. They fish on Saturday nights and Sunday nights. I don't suppose there is a river in Ireland more poached than our unfortunate river.

5432. And are you of the same opinion as Sir Hugh, that if the river was properly treated and properly watched, it would be as good a salmon river as there is in the Kingdom?—Yes, I quite agree with him.

A few years ago a German friend of mine, a Norwegian fisherman who had been fishing on the Nore for thirty or forty years, and who came seven or eight times and stayed with me, pronounced it as his opinion that the river Nore would last any of the Norwegian rivers if it was properly looked after; and that was a man who was one of the pioneers of the Norwegian fisheries. I could not say anything more than that.

5433. Do you attribute anything to the change of ownership of the riparian lands under the Land Purchase Acts?—No, I don't think so.

5434. The state of affairs is so bad that you don't think this additional element has made it any worse?—Well, I don't think so, so far as I have any knowledge.

5435. Do you think anything could be done with those new proprietors to get them to assist in preserving the river?—I think so.

5436. Do you think they appreciate the value of the fishing yet?—Oh, no, I don't think they do, and a great many of them have got the moral courage to stop poaching on the water though they would like to do it; but I have always had the idea that it might be well if a syndicate could be formed to buy up, or else to lease, their rights for a long term. A lot of those men have not got the moral courage to stop the poaching that actually goes on under their very eyes.

5437. Though they strongly object to it?—A great many of them do.

5438. And why don't they let their fishings and the right to protect them?—Well, they have never been approached, perhaps.

5439. Do you suggest a large syndicate to take up the whole of the river?—If such a thing could be formed, I think it might be well. I think it is a very valuable asset, and it would probably pay a syndicate.

5440. What is the length of river frontage that you have got?—Oh, about three quarters of a mile.

5441. Is it on both sides or only one side?—Only one side.

5442. What is the approximate valuation of your fishery?—I am ashamed to say I don't know. I doubt if it has any separate valuation.

5443. It is mixed up with the poor rate?—In fact, it is of so little value that it is not worth taking.

5444. Surely the Conservators must collect whatever it is?—I don't think so. I don't know that they do.

5445. Have you an agent?—No; I am a head agent myself, and a very extensive one.

5446. And then you must know whether you collect?—It is quite possible that there is some small thing,

Mr. Justice Ross—continued.

but, as a matter of fact, my rates pass through my office, and there may be some small thing, but I am ashamed to think there is not.

5447. Now, have you any suggestion to make in addition to those we have had as to improving matters?—Well, for many years I have had an idea that a great deal of this illegal netting, between sundown and sunrise, might be stopped, without very much expense.

We undoubtedly have no funds to put on a proper number of water bailiffs, and the river is absolutely poached between sundown and sunrise by net fishermen with snap nets. These men pay 30s. for the right of fishing, provided they have written authority from some owner of a piece of water. They are fishing within their right as long as they fish on that piece of water, and if not they can be fined for illegal netting.

These men have been working these two nets and snap nets, and a further requirement is that these men are supposed to stop fishing from sundown to sunrise, but that is the time they are working, and working the whole time.

5448. Have you seen them at it?—Undoubtedly I have seen them at it, and they are not supposed to be fishing, or fishing legally, if they fish on Saturday or Sunday, and last Sunday, at five o'clock in the evening, they were fishing between me and Thomastown, which is a distance of four miles.

5449. And have there been no prosecutions for that?—Very often.

Dr. Mahaffy.

5450. You said, just now, that that could be stopped at a reasonable expense. What did you mean?—There are a number of places on the river Nore where we have Constabulary barracks. First we have Inishoge, then Thomastown, then Bennett's Bridge, then Athlone, and then Ballinacorney, and at all those places we have Constabulary barracks. I have had no idea for several years that this illegal fishing between sundown and sunrise might be effectually stopped if some arrangement could be made to grant these snaphan fishermen their licences on the condition that they bring their nets to pound at six or seven o'clock, or whatever time it is sundown, and let the Constabulary look them up and put them in pound and let them out next morning. That would do away with acquiring any more bailiffs at night.

Mr. Justice Ross.

5451. But they might have other apparatus?—A man would hardly have two sets of nets and two sets. I think not. At all events it would lessen the damage to the river very much; and this illegal netting is a great evil.

5452. Now, what would you think of having a man's licence withdrawn in case he is found systematically fishing illegally?—I have always suggested that.

5453. Do you think that would help?—I am certain of it. We frequently have cases of poaching in this county, and I am sorry to say that when a crew is perhaps fined £5 the fine is generally reduced by His Excellency to practically nil.

5454. I suppose that if it could be done you would be all in favour of abolishing netting on fresh water altogether?—Well, it would be very nice for the rod fishing; but you have no idea—absolutely you can't perceive—how this river is poached. Men take fish, for instance, at Bennett's Bridge or Thomastown, think nothing of sweeping down about three, four, and five miles of the river and sweeping every bit of good water, at night, and then going up again, and masked.

5455. But, even if there are only four bailiffs, how can they do it in such an open manner as that?—At night they do it.

5456. Have the fines no deterrent influence?—The fines are, unfortunately, so frequently reduced, that it is disincentiving.

5457. Have you complained of that?—I believe complaints have been made.

5458. And, I suppose, in every case of a fine it is immediately followed by a petition?—Almost invariably, I believe, and, strange to say, I have been asked to sign a petition. A petition has been brought to me in cases in which I have suggested.

5459. It is well known that everybody in Ireland signs everything they are asked to sign?—I am afraid they do.

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Mr. G. B. Newbold, J.P.—continued.

[REPRODUCTION.]

Dr. Mahaffy.

Mr. Justice Ross.

5490. You fish about Inishoge?—Yes.

5491. Do you know Colonel Marsh's water?—Yes, I do.

5492. That is a good place for fishing. Have you often fished that?—Many a time.

5493. Do you know that there was an attempt made to prevent netting there by putting down obstructions?—I remember the time it was done.

5494. Had that any effect?—Some of the things were removed.

5495. That is, by poachers?—Yes.

5496. But they were obstructed?—I don't think it did very much good, and I don't think the things were placed very well. To a certain extent it would prevent netting, but I don't think they were very well placed.

5497. Does not Colonel Marsh preserve that bit now?—He tries. Well, he does not keep a beatiff. He would like to preserve it.

5498. Who is on the opposite side?—Lord Ormonde, part of it, and Major Connellan. Major Connellan is not fishing.

5499. To what extent is legal netting carried on in the fresh water of the Narre?—Wilkes—How do you mean?

5500. How far does netting extend in the fresh water?—From the bridge at Inishoge to Ballymaget, as far as I know.

5501. That is about ten miles?—Much more than that.

5502. How many?—About thirty miles, and you might chuck a stone or throw a stone across part of the river that is netted.

5503. That is legal netting?—Legal and illegal. A lot of this water is fished illegally.

5504. I am trying to get at the amount of legal fishing?—For instance, a man might get a short strip of water the length of this Court-house, and, not attended with that, he will fish miles.

5505. Now, I should like to go a little further down. What netting is there in the tidal waters?—From Inishoge to the mouth of the river.

5506. How far is that?—Between thirty and forty miles, I suppose.

5507. What method of netting is carried on there?—Many netting; nets and cove which they call sweep nets; and then, as to the river lower down, I don't know much about the lower part.

5508. Are there drift nets used in the estuary?—I don't know much about the lower part. I daresay there are some gentlemen here who will be able to give you information about that.

5509. A suggestion has been made to form a syndicate of the tenant purchasers. Those men are mostly in the upper waters, and can you tell me if such a syndicate would include the poachers?—No, I think not. I think if men who own the frontage joined a syndicate of that sort, their neighbours, if they were inclined to play unfairly, would make them pay for it, for their own benefit. You see, if a syndicate is formed, the probability is that the rents would be paid by those men out of the proceeds of the fishing, and if the fishing was discontinued, naturally the rent men would keep away from the place, and the syndicate would have to chuck the thing up: so they would have to preserve it for their own benefit.

5510. Yes, and since those are such a very large number of tenant purchasers?—I don't think there is such a very large number.

5511. You think not?—I think not.

5512. About how many?—I don't know very much about the upper waters, but between Inishoge and Mount Juliet it is all practically preserved, with the exception of a couple of miles. I believe some people sold and reserved their rights, in some cases, between me and Mount Juliet. I believe the rights have all been reserved except, perhaps, in one or two cases between Inishoge and Mount Juliet, that is, nine or ten miles of river is all practically reserved. Lord Ormonde sold and reserved all his rights, and Lord Redbourne sold and reserved his rights, and Colonel Marsh sold and reserved his rights, and all that water is netted and poached; and was fished at five o'clock last Sunday evening in broad daylight. That is a positive fact.

5489. You say you have four men, but, if the poaching is so public as this, I don't know what sort of a head man you have got. Is there a head man?—Witness—A head water bait?—

5494. Yes?—There is.

5495. Is he here?—He spends a great deal of his time in shooting game.

5496. Shooting game?—Shooting game, and I have reported him several times for shooting game and for insolency to the Secretary of the Board. I have seen that man blind drunk in the streets of Kilkenny at three o'clock in the afternoon, and reported him to the Secretary of the Board. General McCalmont or any gentleman here can tell you he regularly goes through the country, and he is a convicted poacher, and has been prosecuted and fined at Petty Sessions for shooting.

5497. Who appoints him, and who pays him?—He is paid by the Board.

5498. He is a most valuable official?—Most valuable.

Dr. Mahaffy.

5499. They pay him?—Yes.

Mr. Calderwood.

5490 I was going to ask you with regard to the netting of the river, would you have any opinion as to where netting might cease, so that a proportion of every run of fish that enters the river might be able to ascend to the higher waters?—Well, I am afraid that I am not a very good witness to ask, because I have been so opposed to net fishing on any part of the fresh water that I am afraid I am rather biased.

5491. Then you would probably agree with me in the proposition that I am suggesting. So much has been done in other localities in the way of taking off nets with the result of an enormous increase in value to all in the district, not only to those above but also to those netting, that I was wondering whether or not you could form an opinion as to where a point might be fixed above which netting might with great advantage cease, the point to be such as to permit a proportion of every run of fish to get through to the upper waters?—Yes, but unfortunately under existing circumstances, if fish were allowed to go to a certain point, these men who are allowed to fish further up would sweep down and take them.

5492. Yes, I think that is so owing to the demoralization of your district just now, but I am trying to arrange it in more palmy days. However, it would be better, perhaps, not to press that point.

Mr. Gyles.

5493. Did I understand you to say that in most cases where there had been sales under the Land Acts the landlords had reserved their sporting rights?—Yes, on the lower end of the river. I can't say much about the upper part.

5494. Would you say from Thomastown or Kilkenny down?—From Bennett's Bridge down a great deal of water is preserved.

5495. Now, does the result of that incline you to suppose that it is a sound thing to separate the ownership and the sporting rights?—Oh, I can't say that. In many cases the sporting rights have all been reserved—that is, the shooting and fishing have been reserved—but unfortunately they are left there in many cases. The landlord does nothing to preserve them though he has reserved them, and it seems to me that anyone may enjoy them.

5496. Assuming that those fishing rights upon the lower part of the river were in the hands of the occupying owners of the banks, don't you think preservation might be easier than it is at the present time?—No; I would not say so.

5497. You don't think so?—I would not say so.

5498. At the present time you mean you cannot get up a combination of the riparian occupying owners because they are not keen on taking?—No, I think not.

5499. And you don't think the fishing would be better in your locality if you had the riparian owners along the banks interested in it?—I am afraid that in many cases they would allow their friends to fish.

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MR. G. B. NEWPORT, A.P.—continued.

[KILKENNY.]

Mr. Gwynn—continued.

5500. Even if they were losing money by doing so?—It is very hard to rub that sort of thing into the minds of a lot of fellows in this country.

5501. It has been rubbed in in other places. You are yourself a member of the Board of Conservators?—*Ex-officio*, yes.

5502. You are not an elected member?—*Ex-officio* now. I am not elected now.

5503. Does that Board ever meet?—Yes.

5504. Do you sit on it when it meets?—I have not sat on it for years.

5505. Don't you think it would be satisfactory to sit on it and take care of the interests of the people you live amongst?—I gave up attending the Board as absolutely useless.

Mr. Justice Ross.

5506. How was that?—I found that I made suggestions and they were thrown overboard, and people didn't seem inclined to follow my ideas.

COLONEL MERVIN DE MONTMORENCY, A.P., examined.

Mr. Justice Ross.

5514. How long have you lived in this neighbourhood?—I have known this river for about thirty-five years.

5515. You lived here?—Not all that time; I was in the army; but I have been fishing on and off for thirty-five years.

5516. And you know the river?—I know the river intimately; I may say from the mouth of the Dinno to the tidal water.

5517. What length of river would that be?—About twenty-five miles.

5518. Are you a Conservator?—*Ex-officio*.

5519. Do you attend the Board?—No, I do not.

5520. Why?—It is not worth my while.

5521. Have you a high opinion of the fishing of the Neve?—The finest river in the world. There is a run of salmon since the 1st of January, and they are coming up still.

5522. And if reasonable steps were taken to preserve it you think it would be a very valuable property?—Oh, very valuable.

5523. Now, have you noticed whether it has been getting better or worse?—Getting worse. Last year was a good year, an exceptional year. But you cannot judge by last year. That was quite an exceptional year.

5524. To what do you attribute the deterioration?—Over-netting; and poaching and setting in the spawning season.

5525. Nothing in the fresh water?—The netting in the fresh water, and in the spawning season. They net the fish going up to spawn.

5526. And we have heard from the last witness about the extraordinary amount of poaching that goes on. Do you agree with that?—Absolutely. In fact, I may say that very little or no net fishing goes on in this river during the legal time, which is six in the morning till eight in the evening. No nets set at all during that time, or practically so nets. They all fish at night.

5527. Are there any prosecutions for this illegal fishing?—Occasionally there is one brought forward by the head water bailiff.

5528. And what happens?—Well, there is a fine, and there is a memorandum to the Lord Lieutenant, and it is reduced, perhaps, to 3s.

5529. Then the fine has no deterrent effect at all?—None whatever, they fish all the harder to make up the fine.

5530. Well, it comes mainly to a question of money in the end?—If you want to have it properly preserved there is only one way of preserving it.

5531. What is that?—The Constabulary.

5532. Have you any suggestion to make as to where the money could be got from?—Witness—What money?

5533. Money for payment. Of course, I apprehend that you mean that the constable who catches a man and prosecutes him should get something for it, so he has to stay up all night?—Oh, I think he should get

Mr. Justice Ross—continued.

5507. Have you any suggestions to make about a reform of the Board of Conservators, or have you thought of it?—No, we have some very good men on our Board, but it is very hard to get some of those parties to work.

5508. Tell us how the Board is composed?—Witness—How do you mean composed?

5509. Who elects them?—The licensed fishermen, that is to say, the men who pay the licence duty.

Dr. Mahaffy.

5510. You are an *ex-officio* member?—Yes.

5511. How many members are there *ex-officio*?—I could not tell you. A good many.

Mr. Colderhead.

5512. How many elected members?—That I cannot tell you.

5513. A gentleman present.—Three elected members.

Mr. Justice Ross—continued.

something, but still I think the law should be maintained on the river as well as on the coast. The law of the land is broken by illegal fishing, and I don't see why it should be broken on the river any more than on the coast.

5534. Perhaps your observation is too wide. It would apply in the case of the preservation of game or poaching?—Oh, yes, that is another thing.

5535. But in the case we are considering, the constable watching the poacher would be out all night?—Well, I would give him portion of the fine, say, half the fine. They would not get much after a short time, because the illegal fishing would cease.

5536. You think that method would be effective?—Oh, absolutely.

5537. Have you any knowledge of trout fishing?—Yes, I have.

5538. Well, will you tell us about the trout fishing here?—It is a very fine trout river, but there is an enormous amount of netting done on the weir, especially in the lower waters.

5539. At the weir?—Yes, by nets that they call locally "trawling" nets, worked by two poles and a net placed up against the weir and worked down each side, and they sweep out every fish along the weir.

5540. That is not what they call a drum net?—Oh, no; a drum net is quite a different thing.

5541. Do you approve of putting a small duty on the trout fisher?—I do.

5542. That is, that he should take out a licence?—I think any sportsman would pay 10s. or so for the pleasure of capturing trout.

5543. Do you think that would bring in a good deal?—I think it would.

5544. Ten shillings a year is a high figure?—Well, make it less.

5545. Have you any other suggestion to make?—I think the working of the net is most excessive.

5546. What net?—The tidal net at Instigo. I would suggest that a by-law should be made.

5547. That is Mr. Tighe's net?—Yes. I would suggest that a by-law should be made to limit the working of the net to three days a week.

5548. But, you see, that is legal, and cannot be prevented?—Anything can be done by Act of Parliament.

5549. You cannot, as yet, take away a private right?—But there is no river in the world netted like this river, on both tidal water and fresh water; and they go where they like. Nobody stops them. They do what they like. They net all night. They never net, as I said before, by day, during the legal time. It is not worth their while.

Dr. Mahaffy.

5550. Surely the very first body to interfere with that sort of thing is the Conservators?—But they are useless; they have no power. A Conservator can do nothing by stating his opinion. He can't carry out his idea. It is impossible.

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COLONEL MERVYN DE MONTAGUESOT, A.P.—continued

[EISENBERG.]

Dr. Makoffy—continued.

5551. They could make representations to other public bodies, they could bring the case to the Fishery Commission?—I don't think that would help them much.

5552. Would you suggest any improvement in the Board of Conservators that might affect the river—you know you are a Conservator and you never attend?—No, because I find it is no good my attending.

5553. How do you find that out?—I don't think it is right to have as a Conservator a member of a fishing crew, a snap-net crew. That happens on this river.

5554. That is one improvement that you would make in the Board?—I don't think it is a right thing, but they are elected properly. You can't stop the election.

5555. That is one improvement. Perhaps another would be that members should attend regularly, I suppose?—You would have to have a very large staff of beatles before you could do anything in this river.

Mr. Justice Ross.

5556. I don't see what your objection is to a man fishing legally with a snap net—why that man should not be a Conservator?—I maintain that there is no snap-net fishing legally of any value.

5557. If he fishes legally, why should he not be a conservator?—There would be no objection if he fished legally.

Mr. Gwyn.

5558. Would you propose that no angler should be a conservator?—No, certainly not, because I think the anglers have an interest in the river for everybody; that is, the rod men have; but I think the net men have an interest in the river only for themselves.

*Mr. E. B. TOURS, examined.**Mr. Justice Ross.*

5559. I suppose you have been living here all your life?—Well, I have been only living here for the last ten years.

5560. And do you think the river is getting better or worse as regards the fishing?—Well, I don't think it is getting worse from what I hear of my net, whatever it may be as regards rod fishing.

5561. As far as your net is concerned, it is as good as ever?—I say it is not getting worse. There has been a good year this year. I have not got the details exactly.

5562. Well, you have established your right to have this net then?—Yes.

5563. And, of course, it is perfectly legal and cannot be interfered with. Do you think that anything has happened by reason of the change of proprietorship in the upper river to improve the fishing generally?—Well, it has not come under my notice in the tidal waters, whatever I have heard.

5564. You have heard the evidence, or some of the evidence, given to-day, about the open poaching that goes on?—Yes.

5565. Is that so?—Well, that I believe.

5566. Is there anything you can suggest that would be useful to preserve the tidal fishery?—Well, I have brought three or four suggestions in my head which I wish to give.

5567. Then we should be glad to hear them?—Well, one is that I think more of the money and time should be spent in preserving the yearly close season instead of the weekly close season. Almost the whole of the energies of the Conservators are devoted to protecting the weekly close season, and the yearly close season does not get very much protection, that is to say, the spawning fish got killed. Another suggestion I had was that the nets on the river should all be numbered like cartages on roads, with the proprietors' names on them.

5568. So that if a man was seen fishing at an illegal time it would be possible to get at the number, like the number on a motor car?—Exactly. And the third suggestion I had was as regards the composition of these Boards of Conservators.

5569. We should be glad to hear something from you about that?—I am sorry to say I have not attended

Mr. Green.

5570. An angler is never a poacher, and a net man is always a poacher, according to your theory?—I do not say that—I don't think an angler will go and poach. I don't think a respectable angler will go and stickhead or do anything like that.

Dr. Makoffy.

5571. "Respectable" is a qualification?—Well, I think the majority of rod men are respectable, and they fish as a sporting matter, and I would like to see all fishing with the rod.

Mr. Colclerwood.

5572. Am I wrong in supposing that the Board of Conservators has power to provide for a reduction of netting?—They not secure a by-law for reduction of netting?—It would be a very good thing.

5573. Do you know that there is power?—I do not.

5574. Do you know of an application ever having been made to the Fishery Commissioners in Dublin for a reduction of netting?—Witness?—Do you mean for a reduction of the number of crews working?

5575. Yes. I rather think that a great deal could be done by the Board of Conservators along perfectly legal and proper lines to reach your difficulty, and I want to know whether any attempts have been made legally to do so?—That attempt has never been made. I think it would be a very good thing. I think the licence for net men is abundant. A rod man pays one pound. One crew of four men pay 30s. They take about 50 salmon to every one taken by the rod men. I don't think that is quite as it should be.

Mr. Justice Ross—continued.

as often as I might have, partly because I was away, and when I did so there was not any important matter on, but it did seem to me, when I did attend, that it was wrong on the face of it that a discharged bailiff, an ex-bailiff, should be able to sit as a member.

5576. A discharged bailiff?—That happened the last time I was there.

5577. What was he discharged for?—I think for general incompetence.

5578. And he was elected?—He was elected a member.

Dr. Makoffy.

5579. The more we learn about this Board of Conservators the more amazing it appears to be?—That is the fact. As regards my own matters, I have a hatchery. When I established this fishery of mine I thought I ought to do something to put in fish when I took them out, and I put up a hatchery at my own expense, which I work at of my own expense, but it is not profitable, for everyone poaches as much as he can, and we have not been able to catch enough fish to fill the hatchery. Some of my employees here will tell you the details of it. Of late years the Board of Agriculture themselves have helped on by putting up weirs. It cost us £5 a thousand to import fish from Scotland or Norway, and I can't help thinking that that might be done at the public expense. At any rate, it should not tell on me, because although I put up the hatchery and fill it as much as I can, and all that, to go and spend £40 or £50 in buying Scotch or Norwegian ova would be making hard on me.

5580. You think that the mixture of foreign fish would improve the breed?—Yes. And I have a small bit on the Slaney, and there is one of the tenant purchasers that has the sporting rights, and I believe it works very well.

5581. What does he do with it?—He lets it to Mr. Pack Hereford.

5582. Mr. Pack Hereford fishes it?—Yes.

5583. He pays a rent?—Yes.

5584. Has he both sides of the river or only one?—I think he has only one side of the river.

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MR. E. B. TOWN—continued.

[KILKENNY.]

Dr. McShaffy—continued.

5585. Where is the lot on the Slaney?—Just near Chongal, near where a little river called Derry runs, eight miles above Newtownbarry, or perhaps six miles. Going from here you go through Myshall to it.

5586. Would you be willing, if you were compensated for this valuable right you have in this legal net—if you were amply compensated—to abolish that net?—Certainly, if it was amply compensated.

5587. It is a very valuable right?—It is a very valuable right, and it cost a great deal of money, not only in the law-suit by which I established it, but I should like to say to the Committee that although I knew a good many people say it does a good deal of harm, it does good in this way, perhaps, that I am able to get that part of the river fished legally, if you understand, because if anybody fishes at night, or in the close time or anything, in my several fishery, I can withdraw their license. I allow a certain number of crews to fish in a portion of the several fishery by my permission, and of course that could be withdrawn. In fact once a crew was detected and its license was withdrawn, which, of course, is a very much simpler process than a prosecution.

5588. I believe you are the only legal net fisher on the whole river?—I think I can see nothing illegal in my several fishery.

Mr. Justice Ross.

5589. Are you a fisherman?—Well, I used to fish formerly. I only fish for trout now.

5590. You live here?—I live in Bennett's Bridge.

5591. You are acquainted with the river?—Yes, I have known it all my life.

5592. Have you heard the evidence given about the extent of the poaching that is going on?—Yes, and I quite agree with it.

5593. You corroborate it?—Yes. They go out the same as any workman goes out to his daily work. They go out in the evening to fish at night.

5594. And there is no interference?—No interference whatever.

5595. Are you a Conservator yourself?—No, I used to be years ago. I was the only one who attended of the ex-officio Conservators at that time. I have not taken out a license for some years.

5596. And you confine yourself to trout fishing?—I confine myself to trout fishing.

Dr. McShaffy

5597. Do you fish for trout at night?—Very often I do.

5598. And you see poaching going on all round you?—Well, they don't go out till later, except in the spring months. I think they avoid where we are trout fishing till later. In the spring months often on Sunday evenings I see them going down to fish—on the Sunday evenings very often, and Saturday evenings, which are the close time.

5599. Bennett's Bridge is the place you speak of?—I think there are four or five crews there, licensed crews, and the head water bailiff rented a portion of the river, at least he thought he had the rights of poaching it, but the property was sold to the tenants and there was a dispute about it. The head water bailiff rented the imaginary rights from the mortgagees and sub-let it to the netmen, and then when another crew went to fish there he summoned the other crew for fishing without written permission, but he couldn't establish his case at all. He did that at the expense of the Board of Conservators, I believe. He used his rights as water bailiff to protect his own fishery.

Mr. Justice Ross.

5600. Now, as a trout fisherman, do you think that the general body of trout fishers would object to a small tax or a small license?—Well, they might. It would be very hard to say. There is a very large number of trout fishers; but I think a small tax would be a very good thing.

Mr. Guyon.

5601. How far does your fishery extend?—Four miles below Enniscorthy.

5602. Is it entirely on the tidal way?—Entirely on the tidal way. There is a mark which everyone knows.

5603. You cannot really interfere with the legal or illegal fishing of the fresh water portion at all?—No.

Mr. Cullenwood.

5604. I am quite in ignorance of the fishing in this neighbourhood. Would you kindly inform me what kind of fishing it is that you carry on?—There is a seine net (that is the principal thing) and a weir. There is a weir just below Beeloge Bridge.

5605. Do you mean with seine and seine?—A weir which stands out across, and there is a King's Gap.

5606. And traps?—And a trap. There were two, and one was taken away in 1903 by the Commissioners, three miles below.

5607. It is what we call crane fishing in Scotland?—We call it a weir. The weir catches very little in proportion to the net. Somehow or other the King's Gap seems to have shifted the course of the river away from the weir.

5608. And then you have a sweep net?—Then I have a sweep net.

5609. And that does most of the fishing?—That does most of the fishing; with the tide.

MR. GEORGE BRYAN, examined.

Mr. Justice Ross—continued.

5610. What kind of men are they?—Oh, poor men. In the summer evenings they all go out to fish, and there are a good many others besides who could not well afford to pay much.

5611. Would you say 5s. or half-a-crown?—Well, half-a-crown would bring in more money, perhaps, than five shillings.

5612. And do you think that, in return for the advantage you would get by having more fish, that would not be objected to?—Well, it might be. When you say it would not be objected to you must remember that these people are fishing there without paying anything.

Dr. McShaffy.

5613. What would you call a good day's fishing?—Well, the best I have had myself is 30 trout in a day, and I have often got 20 in an evening.

5614. What weight?—They would average about half-a-pound.

5615. Fish in the flesh?—Yes, a good number of them are punk. There are a great many white.

Mr. Justice Ross.

5616. Have you any suggestion to make that has not been made already by any of the other witnesses?—Well, I think, down in the tide-way drift nets pay a very small license in proportion to the fish they catch. I may not be quite right, but I understand that they pay only 2s. for a drift net, and they may catch 70 or 80 salmon in a week; so I think they should be made to pay more.

5617. How much do you think the amount should be raised to?—Well, about 2s. or more. I think that, perhaps, would not be sufficient, but I could not say. And I think that at some persons, as at Castleganey, below New Ross, which is not a very wide part of the river, the nets overlap.

5618. Do you think that if this money was spent on the higher reaches, that is the spawning beds, it would increase their property out of all proportion to the increase of their license?—I don't know whether they would altogether fall in with that, but, undoubtedly, if the upper water is preserved they would have more fish down there. There is no doubt about that. But I think Mr. Tighe said too much money was spent in preserving the weekly close season. Well, I think, if they did not preserve the weekly close season people would become indifferent to preservation at all—the red fishermen, I mean. If it was all given to the spawning beds, of course it would do Mr. Tighe a great deal of good, but I think the anglers on the river would like to have the weekly close time preserved.

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MR. GEORGE BUTLER—continued.

[KILKENNY.]

Dr. Mahaffy.

3619. Have you anything to suggest with regard to the constitution of the Board of Conservators?—Well, I think if the ex-officio members attended the meetings, and made a point of attending regularly, they would have pretty good powers.

3620. So one would think, but some say it is not worth their while to attend?—But I think if they all made a point of attending they could do a great lot of good.

3621. Is there any show you would exclude?—I don't think you could exclude anybody from being on the Board, if elected. I don't see how you could.

3622. Would you like to exclude a convicted poacher?—Oh, certainly, if he is convicted I think he ought to be excluded; or a dismissed bailliff should be excluded, but the present bailliffs are quite inefficient, even if they were good bailliffs. The numbers are not sufficient to preserve the extent of river. I am not certain of the number of the bailliffs, but it would take three men or more to catch one crew, for they are all disguised. The boats at present are all numbered, but they put a bag over the number, and you couldn't identify the boats; and, I believe, if you did identify the boats, you couldn't prosecute unless you could identify the men.

Mr. Justice Ross.

3623. Identification of the boat would not be sufficient?—I don't think it is sufficient. I think you want more bailliffs to catch the men. Up in the Ballynagar district I believe some of the farmers who purchased out their rights are letting the fishing to rod fishermen.

3624. Do you know what those farmers are getting for the fishing?—Well, I think they are only getting three or four pounds each for it at present.

3625. And these poaching going on all the time?—Well, there are nets up in the district. I don't know much about the nets in that part of the river.

Mr. Green.

3626. That is above Kilkenny?—Between Ballynagar and Kilkenny. There are only two or three who have purchased out their rights at Bennett's Bridge, and it is netted and it is not worth anything at present. No one would give anything for the fishing. On the opposite property, Lord Bellew's property, it is all reserved to him for his life, and it is not preserved in any way. The water bailliff's crew used to take a piece of the river, and if anybody fished that piece he summoned them, and if his crew fished the other side he took no notice of it.

3627. Is it opposite Johnston's?—It is between Mount Juliet and Bennett's Bridge.

3628. Would that place that you speak of, if preserved, become a valuable salmon-fishing place?—Oh, well it would be very valuable indeed. The fishing there would be just as valuable as at Mount Juliet. It is more valuable to fish than any other part of the river. It has a very smooth bottom, with long, still pools, and there are good streams on it.

MR. WILLIAM COLLE IRIBANS, examined.

Mr. Justice Ross.

3629. How long have you been bailliff here?—I am head water bailliff for nearly thirty years.

3630. And what wages do you get?—£4 a month.

3631. How many men have you under you?—I have two under me, from Inistioge to Castletown.

3632. Do you think that is a sufficient staff?—Oh, not at all. I had a great deal more men before that.

3633. When was the number of men diminished?—

From time to time for the last twelve or thirteen years.

3634. And now you have only two under you?—There are only two under me. There was another man during the dry summer.

3635. What have you been able to do in the way of protecting the upper waters?—Very little.

3636. They are practically unattended to?—They are. There is one man up there, and one man by himself can stop no poaching, though I have several times

Mr. Green—continued.

3637. So that a very valuable fishing is practically being wasted now?—Quite so.

3638. It would bring in money?—It would bring in money to the stipendiary officers, but at present it is worthless.

3639. Have you any idea of about how much these coot-net make?—Well, it would be very hard to tell. I know one crew (I think it is the only crew that fish at legal hours) that in the opening of the season with one sweep of the net caught over ten salmon, which they sold for over £10.

3640. In one day?—With one sweep of the net.

3641. They just come upon a school of them?—Yes. And the same crew fished on in the year caught thirteen in one day, and forty in one week, and they, I am pretty certain, did not fish at illegal hours.

Mr. Gayen.

3642. Those men might be out fishing for a week or a fortnight and not catch anything?—Oh, yes, they might be fishing for a long time and catch nothing. That is not an average.

Dr. Mahaffy.

3643. Do Lord Bellew's people fish by night as well as day, or do they fish in full daylight?—Oh, yes, anybody that likes can go there and net it. I don't think any of his tenants net it at all.

3644. Head Water-Bailliff?—I wish to ask Mr. Butler a question as regards what he said.

Mr. Justice Ross.

3645. Let me know what it is.

3646. Head Water-Bailliff?—Is he aware that I was receiving rent from this special crew that he talked of, for over thirty years, for Major Wemyss and Mrs. Wemyss, when I was doing business for?

Mr. Justice Ross.

3647. We will examine yourself on that. Witness—What happened was, I believe, that he was previously water-bailliff on the Wemyss estate, and he was recovering this money from them, and when the mortgagees got possession of the property and the Wemyss interest ceased to exist, he rented it from the Hand-in-Hand Company and sub-let it to the fishermen.

3648. Head Water-Bailliff?—I did not sub-let it, your Lordship. I handed it over. Witness—I was at the Agent's Office in Dublin, and his name was down as the tenant. I went to Mr. Pilkington, the agent for the Hand-in-Hand Company, and the name of Mr. Ireland, the head water-bailliff, was down as the tenant.

Mr. Justice Ross.

3649. This is rather outside our scope, but if anything has been said that affects a person it is only right that he should have an opportunity of explaining. Witness—It is quite right what he said, that he had it before that.

3650. Head Water-Bailliff?—And I have it yet.

Mr. Justice Ross—continued.

3651. And I can refer that to the Secretary. Was there ever a man did as much as I did, for all their time—was there ever a man that did as much as I did in my position, single-handed, by myself?

3652. Does the men you speak of get the assistance of the police when he goes out at night?—No.

3653. Does he ask for it?—Well, if he asked specially for it, I believe he would get the assistance.

3654. And where is the scene of your operations?—Well, I have charge from Inistioge, from Colonel Hamilton's place, up to Castletown, in consequence of the different tributaries.

3655. And are you able to do anything effective?—I am, your Lordship, and I can call upon the Secretary to the Board of Conservators to show that.

3656. You seem, so far as I can make out, to have 150 miles to look after?—I have.

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Mr. WILLIAM COLE. IRELAND—continued.

[KILGERONT.]

Mr. Justice Ross—continued.

5656. And what is the size of one man on 180 miles?—Well, it is nothing, I may say, but you can do a little sometimes by chance. There is no man by himself, I need not say, that could do all, though I have captured them at night on several occasions, and have had prosecutions and convictions under the Fishery Acts in this coastline, although there was a statement made, I understand, before I came in, different to that. I had four different prosecutions here within the past few months.

5657. And did you succeed?—I did, your lordship, and on appeals succeeded.

5658. But the poaching appears from the evidence to be so open and so monstrous that it does not seem to me that anything that has been done has had the smallest effect in protecting the fisheries. What is your opinion on that?—I believe the little that is done has a great effect.

5659. Could the state of this river be possibly worse than it is at present?—Oh, undoubtedly it could, because they could openly fish only they are afraid of some prosecution.

5660. But don't they openly?—They do not. I see them fishing certainly.

5661. In the week-end they don't observe the close time?—Well, very little. They fish in the weekly close time.

Mr. Gwynn.

5662. Do you mean in the fresh water or the tide?—I mean in the fresh water. I have nothing to do with the tidal water. From that down to Bennett's Bridge, that is my district.

Mr. Justice Ross.

5663. Then you say that, as a general rule, they don't fish at illegal times?—Oh, they do fish at illegal times. They fish at night time. They fish after eight o'clock. They do that regularly, and though I go into the river and capture them in the river, it is very hard.

5664. You have heard the statement just made by the last witness, and you wish to give some explanation?—I was steward and manager for Major Wemyss, and had a look over the river for him (he had private rights on two or three miles of the river) for twenty-five years and over it, till the property went into the Covert of Chancery and there were reforms put over it. I was at that time head water bailiff. As soon as Major Wemyss's property was taken out of Major Wemyss's hands and his business was over I was elected as head water bailiff, and I was setting all this time for a crew that was fishing, as long as my memory goes, that is over 50 years; this special crew was an old family that Major Wemyss had a great regard for,

Mr. Justice Ross—continued.

and that always supplied him with fish, and were fishing this certain portion and had liberty to fish it, and they were paying him £10 a year and fish for the house. When the thing went out of the Major's hands they asked me to see Mr. Pilkington or the agent of the property, and I went to him and he said he would take no one but myself as tenant, so as to be sure of the £10 a year.

Mr. Green.

5665. As tenant of the fishing?—That was for the fishing for this special crew, and they paid me the £10 and I used to send it to Mr. Pilkington. In the meantime I told Mr. Butler that he could fish there as he always did, and he said he was not fishing there, but I caught him fishing there, and I made him come up to this Court. He was asked, and he said they gave him leave, and they denied it to his face that they did; and this is spite to me by Mr. Butler, the riparian owner.

Dr. Mahaffy.

5666. How many years have you been there now?—I am there thirty years.

5667. And was there ever any complaint against you?—Never any complaint till I fell out with some of those local gentlemen.

5668. Then there was a complaint after that?—Nothing of this sort. I mean that I dislodged some of those by shooting upon whom I had a patent right, and I had a £3 licence in my pocket, when I was getting a holiday.

5669. Surely, if you are head keeper, you ought not to spend your time in shooting. How had you license?—I would get leave of absence. I would get my holidays, and during that I would shoot.

Mr. Justice Ross.

5670. What did you shoot?—I shoot partridges and pheasants, where I have a perfect right, and I don't go any place to shoot, without having perfect leave and liberty.

5671. And who gave you leave to shoot pheasants?—The tenants, your lordship, the riparian owners that have their lands purchased out. I can give their names if you wish.

5672. Oh, we are not going into that. Witness—And gentlemen that haven't leave those are at the end of the whole of this, and I ask them at present going there without leave on these tenants' lands where a notice was put up that the place was reserved.

5673. I think we have heard enough of this. Witness—I want to show your lordship that this is all spite.

MORIS EDWARD C. HAMILTON, J.P., continued.

Mr. Justice Ross.

5674. You are an extensive land agent, are you not?—I am.

5675. Is it in your capacity of land agent that you are giving evidence or as living in the neighbourhood?—I am resident agent on Mr. Tighe's estate.

5676. How long have you known this river?—Over twenty-five years.

5677. And have you the same good opinion of the river as a salmon river that other witnesses have expressed?—I have. I believe that with any attempt at preservation it would be about the best river in the United Kingdom. I mean it has every facility for being so, and a large number of fish, as I know, has been caught since I have been at Keshigo, even though all this poaching goes on.

5678. Notwithstanding all this poaching there has been a considerable number?—There has been a very large number of fish going up every year.

5679. Do you attribute any falling back of the river to the purchases under the Land Acts?—No, not in the immediate district.

5680. It is not appreciable?—No; in fact not sufficient land has passed to the riparian owners to make practically any change.

Mr. Justice Ross—continued.

5681. I think you practically corroborate the evidence we have already heard?—Quite.

5682. Have you any practical suggestions to make for the improvement of the fishing?—Well, one suggestion that I would make would be this. It is quite evident that there are not sufficient baillifs, and not baillifs of the right sort, on the river. I would suggest that the baillifs should be appointed otherwise than by the elected Conservators.

5683. Who do you suggest should appoint them?—Well, I think the Fishery Branch of the Department of Agriculture should have a voice in the appointment of head baillifs, and that those men should be independent; that they should have regular pay, and good pay, and be treated as Civil Servants, and get pensions—in fact, that they should be out of the surroundings of the fishery.

5684. Where would the money come from?—I don't see why there should not be a slight increase in the licence duty on nets. Thirty shillings for a crew who perhaps catch £40 or £50 worth in the year is very small. If even a 5s. increase was put on them, it would make the good men very little, and it would bring in more funds.

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MAJOR EDWARD C. HAMILTON, J.P.—continued.

[KILKENNY.]

Mr. Justice Ross—continued.

5685 Do you think they would object?—They would object to anything, and I think it would only reduce the number of poachers perhaps; but I think the honest fishermen would very gladly pay a slight increase of duty if he got an equivalent for it, which he undoubtedly would.

Dr. Mahaffy.

5686 Five shillings is a very small increase?—I mentioned that. If it was doubled it would do no harm.

Mr. Justice Ross.

5687 And you think the very men that would pay it would be benefited to a very large extent?—I am perfectly certain the whole river would benefit as far as the capabilities of the river were concerned.

5688 Would you tell me something about the valuation of the Several Fishery?—Witness—Do you mean to say Mr. Tighe's Several Fishery?

5689 Yes? Witness—Do you mean to say what is the average?

5690 What is the valuation—the actual valuation for taxation purposes?—It is a very small sum.

5691 How much?—It is very small, £25 or something. I can't answer that offhand, but my recollection is £25.

5692 Tell me how it is collected, as a matter of fact. In you, being the agent, you would be the hand to pay it?—Oh, yes, I would really tell you by reference to my books. It is not a question I was prepared to answer.

Dr. Mahaffy.

5693 About how many fish does Mr. Tighe get in the course of the year on the average?—I could tell that by producing my books, but the average profit would be between five and six hundred pounds.

5694 That would be about the same number of fish?—Well, more fish.

5695 Seven hundred?—700 or 800 fish.

Mr. Justice Ross.

5696 Do you mean the net profit after paying all expenses?—No; it would be rather less than that, about £400.

5697 The expenses of the hatchery are considerable?—Taking every expense out of it—including hatchery.

5698 All wages of the men that work the nets must be paid?—Certainly.

5699 And that would be a considerable outlay?—They are men who have a regular employment on the estate, and they go to other duties as soon as their season is over. In making my estimate I always put every day's work down to the crew when they are employed elsewhere.

5700 Now, have you any suggestions to make as regards the river?—I believe, myself, that very great benefit would accrue if any means could be found to encourage the formation of clubs for the preservation of salmon in the river by the riparian owners in the same way as sporting clubs are formed, which are of enormous benefit elsewhere. In fact, I know, from conversation with the fishermen, that the respectable farmers who are purchasing their holdings would be very much inclined to go into any movement of that sort, and the result might be of great use in the preservation of the river.

5701 You think that could be done if there was some practical person to take it up and go round them all?—It would be very easy to get a few men to come together, and if any inducements were given to those people, I am sure they would help to preserve the river. There is a strong feeling amongst the people of coming together in that way for that and other purposes, and to co-operate together for their immediate good. There is a great feeling going through the country, from my experience everywhere amongst the large farmers, and those who are interested in preserving any right and anything, are wanting to come together, more or less.

Dr. Mahaffy.

5702 Would it not be necessary for there to have some leader like the parish priest?—Oh, it would,

Dr. Mahaffy—continued.

some local gentleman or some priest, not necessarily a parish priest, but someone who, locally, would take an interest in the movement, and you could easily get men to join together and preserve.

Mr. Justice Ross.

5703 Have you any suggestion to make other than that if you preserve the fishing, not only would it be a good thing to have an increase of the duty that the licensed men pay now?—There should be regular stations and stands by which they could be recognised, which would make the work of the bailiffs infinitely less, because they would go round at night, and if a cot is away from the station or stand it should be accounted for. I may mention that on Mr. Tighe's several fishery it is one of the obligations on everyone that fishes within its limits that they shall have a certain stand, and it is visited at unexpected times, and if the bailiff finds that the fisherman is not there he waits till he catches the man there, when he has to account for his cot being away.

5704 I am afraid you would find a difficulty in getting men to fish in a particular place?—I don't think you would find it difficult at all. They all, as a rule, have certain places where they land their catch in, and if those places were registered I believe there would be no difficulty in enforcing the rule. It has been my experience, that there is really no difficulty about it.

Dr. Mahaffy.

5705 A cot does not travel a long distance?—No, they only go a certain distance.

5706 Not more than half-a-mile, perhaps?—No, only a short distance.

Mr. Justice Ross.

5707 Mr. Tighe made another suggestion. Mr. Tighe made a suggestion about using the hatchery for putting foreign fish into the river?—I believe that is a first-rate suggestion, and when I came here twenty-five years ago a man who had a weir up the river turned out a large number of Norwegian hump-backed salmon fry into the river. Well, I recollect catching them in the bog net over and over again for a great number of years, until gradually they have gone out of the river.

5708 Do you think the new blood is an advantage?—Yes, there is no doubt the fry did come back to that river, and after coming back they were bigger fish, very big fish, and you could tell the breed of those fish by their being a very broad and deep fish, with a slight hump on the back. They were put out to me over and over again by the fishermen. There is one other thing I wish to say. If you started and encouraged these clubs in any way, I would give them encouragement that I don't think you would agree with. To encourage the honest farmers—not the poachers—to fish I would change the hours, and instead of having them from four to eight I would have them from seven a.m. to nine p.m. That would give the farmer time to fish a certain number of hours during which he would have a chance of catching fish. At present there is no really legal cod fishing in the upper river, because they can't catch in the day time and the men are away, but if the farmers who join the club should be allowed as a special provision to fish in the altered hours, that is to say, seven to nine instead of six to eight (it is the poor farmers who are very much interested in it) they would on their part show their backs and assist the real fishermen, and also assist in the preservation of the streams. I mean to say that I was thinking in my mind how, if you formed a club or got a club together, you could give the honest farmer an inducement to join it.

Dr. Mahaffy.

5709 Do you mean cod-fishing from seven a.m. to nine p.m.?—No, not fishing.

5710 And a man to have a net of his own?—Where they are allowed to keep a snap net in water where it is legal to fish a snap net, I would change the hours from being six to eight into seven to nine. I know

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MAJOR EDWARD C. HAMILTON, *2^d*.—continued.

[KILKERRY.]

Dr. Makoffy—continued.

myself of one pool a short distance above Linnage where there is heavy gaffing the salmon could not go up this way very well, and there was over a hundred pounds' worth of fish gaffed and illegally caught by night fishing in one pool. I had that from a man who is absolutely reliable, who lives on the banks higher up, and is one of the interested men in the river. It is the gaffing that does the mischief more than the snap net. They have no trouble. They go along the banks and the fish run in, and the gaff does more mischief than the snap net in the upper waters.

Mr. Gwynn.

5711. I ask you if the snap net men can take fish in the day time?—Well, in the first place, no more except a posset, as generally a farmer is employed at his work, and in the second place, the fish will see the snap net and go back and avoid it.

5712. But assuming they work at it in the day time?—In the deep water, but still there is very little fishing with the snap net in the day time on the upper river now. There is a certain amount in the deep water down by Ross.

5713. I take it that the object of the law is to prevent net fishing in light water. Do you think it would be well to extend and tighten it?—I mean to say that, as a bad alternative, to encourage the formation of fishing clubs, it would be a benefit to an honest fisherman. I put it as a bad alternative. I would like to see net fishing stopped in the upper waters, but then you would have gaffing just the same. I believe the river would be better if you could induce a certain number of men to agree to certain laws for the government of the clubs, and make this an inducement to them as one thing, that they could go down after their work and have their couple of hours' snap-net fishing.

5714. Do you think the idea of co-operation is there?—I am sure it is.

5715. Are the people of this country co-operating for other purposes?—Yes.

5716. A good deal?—Yes, and it is because there is a very particularly strong co-operative movement, a state and all that, at Innishowen, that I have been thrown in very much with the neighbouring farmers, and I have had their ideas, and I have asked their ideas about this very question.

5717. Did I gather from you, or was it from Mr. Tighe, that so far as you know there were no many fish in the river as there used to be?—It is a very hard question to answer. You know years are so different. Some years you get more fish. We are not in a position well to judge that, because so many influences affect Mr. Tighe's bag net. For instance, if there are heavy floods more fish might come in up the river, and we might catch less in the net, but during the last twenty-five years the average has not altered much.

5718. That would go to show that the stock of fish in the river has not very remarkably declined anywhere?—No, but I gather that for two or three years past no pool ran up; very few for the last two or three years; and very few this year.

Dr. Makoffy.

5719. Were there many sea trout?—No; it is a rare thing.

5720. It is not a sea-trout river?—No.

Mr. Gwynn.

5721. But it does seem to me very odd, after this tremendous body of evidence about the amount of poaching, that you, who seem to be in the best position on the river to check the supply of fish, should say that, so far as your bag goes, the supply has not declined?—There has been no material decline in the supply of fish.

5722. Do you think that there has been much increase in poaching in the same time, in illegal net fishing?—It is all illegal. There is absolutely no check on it. I have gone myself from Mr. Tighe's boat down to the mouth of the Barrow at night, and I have passed over forty or fifty nets fishing at illegal times.

Mr. Gwynn—continued.

5723. Do you mean that there is more illegal net fishing now than there was twenty-five years ago?—No.

5724. You do not?—No; I think there was any amount of fishing in those days, so there is now, but I don't think that in the deep water the snap-net fishing does stop the fish so much. It is a proof that they avoid the snap nets that so many do come up.

5725. I take it to be your evidence that the condition of the river has not altered very much?—I don't think it has.

5726. And there is probably about the same amount of illegal fishing?—Yes.

5727. And then, I suppose, your evidence would be that if the illegal fishing was lessened the supply of fish would show a very marked increase?—Double or treble.

5728. And that would mean that you would have very valuable angling rights up along the river?—Yes, and that is the reason why I said that the powers of the river were, as a salmon river, almost unlimited. I mean that if the river was preserved there is no knowing what the amount of fish would be.

5729. Do you think it conceivable that it might pay a man better who held land on the bank of the river to let the angling rights than to exploit the river himself by catching the fish?—I think angling of that class is dead. I gather, from conversations with those men, that it would not pay them, that it would be no encouragement to them. It might, in time, if the river improved sufficiently and they could realise enough, but they would not get enough now to pay them.

5730. In a general way, if you could take a sketch of angling water out of which you can kill 100 salmon in a year, you will get £100 to £150 a year by letting it to one man?—Well, they don't do it in Ireland. I don't know any place where they pay those big rents. They do it in Scotland, and they do it in other parts.

5731. General MacMahon told me he was paying £150 a year for water on which he was only killing 120 fish?—Witness—is that in Ireland?

5732. Mount Juliet?—Oh, yes. Is he paying £120 for the fishing rights?

5733. £150?—There are not many General MacMahons. Of course, Mount Juliet is a famous estate, and it is a beautiful place. I was referring to the type of small farmer or riparian owner that you want to get at.

5734. If you get a riparian owner who has a stand, or a bunch of riparian owners who have got stands, out of which you might expect to get twenty or thirty fish in the year, I think they ought to be able to get at least £50 a year rent for that stand. Do you think I am putting it too high?—I think they might develop it to that, but I don't think they would get it at present. If they worked together and co-operated, the time might come when they would do it.

Mr. Green.

5735. The chances would be too uncertain for any man to give that rent, but if it was improved and the angling developed, then, of course, the rent would go up?—I dare say it would, and then you might form your syndicate to take up the river.

Mr. Gwynn.

5736. Then a man who was killing twenty or thirty fish with a net would not get £20 or £30 for them. On the whole, they would not average much more than 10s. a fish?—Oh, I should think 15s. would be the average.

5737. *Mr. Jones, Secretary for the Board of Conservators* (having obtained permission to interrogate the Witness).—You alluded just now to the bad class of baillifs that were appointed. Don't the Board of Conservators pay any attention to the recommendations of people who send forward candidates for appointments as baillifs, and are you aware that either on your recommendation or on the recommendation of Mr. Tighe we appointed this year J. Kiffin and Richard Crooke as baillifs—solely on the recommendation of Mr. Tighe?—Certainly. I don't think I made any

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[KILKENNY.]

Mr. Guyon—continued.

special charge. I say that as a rule the baillifs that are put on the river are not fit for their work. I may state that at one time, when the fish were running very low, I employed special baillifs at Mr. Tighe's place to watch the river. Well, during those years I can show by the books the enormous amount of prosecutions we got. These men were independent. They were men who had no touch with the people at all. These were any amount of prosecutions then, and practically we got down, for a couple of years or so, a good deal of the poaching that was going on down below us. We didn't care so much about the upper part at that time, but during the winter one of Mr. Tighe's keepers continually watched the streams, and there was a great increase in the number of fish going into the river during those years. These men went out at night and watched the streams or stands, and they caught the poachers as they came in. It would make a tremendous difference in the whole river, I believe, if a few good baillifs were appointed of that class (and that is the reason that I used it) and not from the fishermen class. The men that were recommended were men that are absolutely in Mr. Tighe's employment.

Mr. Gaidewood.

5736. In the list of conservators I see your name is given as an elected conservator. Are you not now?—No, I never was an elected conservator. I was ex-officio for a short time when I had some places alongside the river, and when I ceased to occupy them I ceased to be an ex-officio conservator.

5737. How long have you been on the Board of Conservators?—I have never been on the Board of Conservators except as an ex-officio member, and I used to attend the meetings of the Board frequently then for a good many years.

5738. How many members of the Board commonly do attend?—In those days I don't think there were ever more than four or five.

5739. I see by the list here there are thirteen elected and sixteen ex-officio, which is a very considerable body?—Yes.

5740. And you only got four or five to attend?—I just came down as a magistrate and sat on the Board. I had then got the land I mentioned alongside of the river, and I was entitled to do so; but I got dissatisfied, because I thought everything we tried to do was blanketed and was not done; and I was a referee on the river in those days and very keen about it, and Colonel Marsh joined with me.

5741. And can you tell me if any proposal ever came up, within your knowledge, to the central Department for a reduction of nothing in this district?—No, I don't think so. It is so long since I was a member of that Board. It is nearly eighteen years since I was a conservator.

5742. Another point I wished to ask you about was the hump-backed fry?—Yes.

5743. Can you tell me about how many were put in?—I cannot. All I know is that these were pointed out to me by the fishermen. These are fishermen here, one of our baillifs who, perhaps, could give you more information than I could, but I recollect about the first two or three years after I came down to Enliscage these fish being pointed out to me as having a sort of hump on them.

5744. Do you know how many were retaken?—I don't know. We got a good many in the net.

5745. And do you think any accurate return could be got?—I never made a separate return of that lot. I believe myself that the whole river should be under the Department, and be under conservators, elected by the fishermen, because as long as you have them elected, with the enormous majority of net and net licenses, they will not be of any service or use. I believe the whole river should be under the Fishery Branch of the Department of Agriculture.

Mr. Guyon.

5746. May I ask you, haven't the net men an interest in preserving the fish if they are professional net men?—You can't get out of the human mind, in this country at all events, the desire to catch fish at illegal times, or anything else. I don't know why it is, but

Mr. Guyon—continued.

it will take a long time to persuade them that their interests are in asking on the square. Their instincts are, I think, against it.

5747. I understood you to say that you had at one time improved the fishing very much by supplementing the public watchers with special game-keepers?—Yes.

5748. Is that a thing that could be done by any of the holders of fisheries at the present time?—I think it ought to be done by a public board. I don't think it should be done by an individual. The preservation of the river is a matter of public interest.

5749. You don't expect the State to protect your game for your convenience?—Yes, because it is public property.

5750. Your opinion is that the salmon for part of his life is public property. That is when he is in the sea?—No, he is public property when he is in the fisherman's shop.

5751. While he is in your river he is not public property?—But you can't separate your water from the rest of the river.

5752. That is the point upon which you rest your claim for public preservation of the fish?—Yes. If the river, like the Blackwater, was under Mr. Tighe's control from the mouth of the river up to the weir, I think Mr. Tighe would admit that there was a considerable claim on him for preservation of that part of the river, but in this case there are thirty miles of river in which anyone can fish who likes, he would hardly be bound.

5753. I don't see why the staff of baillifs employed by a public board should not be supplemented by baillifs or keepers employed by private gentlemen who have considerable fishing there?—But there is in the county any quantity of snap nets, and Mr. Tighe's men watch the river, but they will only take two or three miles below the fishery.

5754. But is the watching of the river that is done by the Conservators' baillifs supplemented by other keepers?—Yes, I say, by Mr. Tighe's men.

5755. Is there any watching of the sort anywhere else on the river?—A gentleman will probably be here to tell you something about that on the higher waters.

5756. We are told that on this whole extent of 150 miles there are only four watchers, but it appears that on your stretch of the water they are supplemented by private watchers?—We are below that. We are in the tidal waters.

5757. Well, on the fresh waters have you any knowledge of the supplementing of the Conservators' baillifs by private keepers?—I have not, really. I know at one time Colonel Marsh did employ special baillifs for the purpose of watching from Lismingo up to Browne's Bar.

Dr. Makguy.

5758. General McCalmont, don't you employ people of your own?

5759. General McCalmont—Yes, two. Witness—That is outside my experience, but I know it has been done. But I don't think any of those baillifs watch the most important part, the spawning streams. Mr. Tighe did it at one time for two years, and I found the effect was very great.

Mr. Guyon.

5760. Were the spawning rivers that you watched within your own estate?—No, altogether outside Mr. Tighe's estate.

5761. Then it would be possible for the owners of private fisheries or lessees of private fisheries on the Nore to combine among themselves and to put up money to have the spawning rivers watched?—I don't see there is any reason why a syndicate should not be formed.

5762. There is no reason why it should not be done?—No reason why it should not be done.

Mr. Green.

5763. But is it not the case that the public right of fishery in the Nore estuary is worth far more than all the private rights put together?—Oh, it must be.

5764. Ten times as much?—Ten times as much.

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Mr. RICHARD CROAKE, examined.

[KILKENNY.]

Mr. Justice Ross.

Mr. Justice Ross—continued.

5767. What are you?—A fisherman.
 5768. Where?—Round Inishinge.
 5769. Are you a cot fisherman?—Sometimes with a cot.
 5770. With a snip net?—I fish for Mr. Tighe.
 5771. Then you have been in the employment of Mr. Tighe for a length of time?—Yes.
 5772. And during the season I suppose you work the fishing and the nets?—Yes.
 5773. And during the rest of the time you are engaged in ordinary work on the property, are you?—Yes.
 5774. Have you noticed whether the fishing is falling off at all, or whether it is improving?—Well, I could not readily say, but there was better fishing this year than for the last couple of years.

Mr. CHARLES GREGORY, examined.

Mr. Justice Ross.

Mr. Justice Ross.

5781. What are you?—I am head keeper to General McCalmont, and look after the fishing.
 5782. As well as the game?—Yes.
 5783. You have heard his evidence to-day?—Yes.
 5784. And you agree, I suppose, with what the General said?—I quite agree with everything he says.
 5785. You are not a native of this country?—No, sir, I am not.
 5786. A Scotchman?—No, sir, an Englishman.
 5787. Did you know much about fishing before you came?—Yes, I have been on several rivers. I know the Barrow. I know all the Barrow from there to Portlinton.
 5788. Do you know anything about English rivers?—No, sir, except small tributaries.
 5789. And you had not any experience of salmon rivers before you came here?—I have been on a little river that runs into the Liffey; part of it belongs to Mrs. Sinclair, of Bonnyglies.
 5790. And do you think this river would be a decent river if it got good treatment?—I don't think it could be better.
 5791. Have you any suggestion to make?—No suggestion, only, of course, that the water bailiffs should be increased (what everybody has been saying), and I think that could be done by increasing the licence on the right of fishing, right up to Mr. Tighe's net. Mr. Tighe ought to pay £50 a year to start with, and then the salmon would come back.
 5792. You are very liberal in taxing your neighbours?—Well, he does more mischief to the river than everything else is it.
 5793. He takes more out of it?—He does, and frightens more.
 5794. It is his property?—And I think there should be something done to get rid of it.
 5795. But, I say, that is beyond us?—I don't know that Mr. Tighe would be unreasonable at all. He said that if he was properly recompensed he would do away with his right.
 5796. He put in an important proviso, that it should be full compensation?—That could be easily got.
 5797. From whom?—From fishermen and riparian owners, and I think the Department should give a certain amount.

Dr. Mahaffy.

Mr. Justice Ross.

5798. You could easily get a big sum like that?—Those great fishermen there, and every fisherman, should pay a certain amount towards it.

Mr. JOHN DUFFY, examined.

Mr. Justice Ross.

Mr. Justice Ross—continued.

5812. Now, in whose employment are you?—General McCalmont's.
 5813. And do you assist the last witness and work under him?—Yes, sir.
 5814. And you have heard the evidence given to-day?—Yes.

5775. Do you know if there is much poaching?—There is not much poaching.
 5776. That is to say, not down near Mr. Tighe's. I suppose you don't know much about what goes on higher up the river?—I don't know much about the upper river.
 5777. You have heard the evidence that has been given by Mr. Tighe and Colonel Hamilton?—Yes.
 5778. Is there anything that you can add to that, or have they told on all that you think we should know?—Yes; I think the streams, in the winter time, should be minded, where the fish would be spawning.
 5779. You think they are not sufficiently minded?—I don't think they are.
 5780. Then there is nothing else that you have to say?—No, sir.

5799. And do you think that, supposing that that fishery of Mr. Tighe's was removed altogether, or purchased out, there would then be an increase in the value of the river that would compensate for the compensation paid?—Oh, yes, I am quite sure of it.
 5800. Many times over?—Yes, I am sure of it. I think there could be a scheme got up to put a stop to poaching and to get fishermen to look after their own interest, and so should everybody look after their own interest. It is the unlicensed fellows that do most of the poaching. It is not the licensed men.
 5801. Is that your view?—That is my view. It is the unlicensed men who are the real genuine poachers.
 5802. What class do they belong to?—What you would call the landing class, the "corner" boys.

Mr. Gwyn.

5803. Is General McCalmont's river netted at all?—No, sir, it can't be. There are obstacles there to prevent that, and it is well watched.
 5804. How many are there watching?—There are two this year. Other years we have four or five.
 5805. King's River comes near you?—It does, but we have no right to go on to that at all.
 5806. But if you employed men to watch the spawning fish on that river, would anybody object to your doing so?—Yes; the owner of the land, on one side in any case, would.
 5807. Who is he?—Mr. Fennear, a seed merchant here in Kilkenny.
 5808. He is against the preservation of the salmon?—He is not. I don't say he is against the preservation of the salmon, but he is against anybody entering his land for any purpose.

Mr. Green.

5809. Do you know anything about the King's River?—A little of it.
 5810. It could be made a fine fishing river?—It could be made a very fine spawning river. About half of our fish go up it and are easily killed there. That river would take two or three water bailiffs, and the police could give assistance on that river also.

Mr. Justice Ross.

5811. And the police do?—The police do, and poachers are more afraid of the police than they are of the water bailiffs.

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Mr. JOHN DUFFY—continued.

[KILKENNY.]

Mr. Justice Ross—continued.

I know they would be inclined to increase a little of their earnings, and they would look after their rights themselves, so in the close season if those men would get a little for watching these small streams they would be very glad to do it.

3816. That is not a bad suggestion at all. You think that if they got a little remuneration they would do that?—Yes, sir.

3817. They would take up the work of preservation themselves?—Yes, they sometimes do it without anything at all, sir.

3818. Did you ever hear of anything of that kind at all?—Oh, I did it myself.

3819. Were you a cat fisher?—I was, and I fished for over thirty years.

3820. And did you get any remuneration for what you did?—No, sir, I never required it, but people that used to be after these spawning fish used to think I was watching them when I would be coming along this way. They used to go off, and they used to imagine I was watching them.

3821. Did you ever prosecute them?—No, but I cautioned them that I would.

3822. And for fear of you they didn't go on?—And it was a great preventive; and a great many fishermen did the same.

3823. And if the matter was systematically taken up by powerful people you think it would be possible to put the river into a reasonable condition again?—I do, sir.

3824. You think it would?—I do, sir.

Dr. Makoffy.

3825. What is the biggest fish you could get in this river, or how big do they run?—Forty-three lbs. is the biggest I ever knew.

3826. But it is common to get them up to thirty-five lbs?—Yes, very many.

3827. You say the pool are scarce?—Well, the pool are very scarce this year because the water is very low.

Mr. Colderhead.

3828. Are the spring fish here of a large class, or what is the average weight that the spring fish run?—They might run from about 9 lbs. to about 13 lbs.

3829. Most of them are about 9 or 10 lbs.?—Most of them are larger, from 15 to 20 lbs. is the average run in the only part of spring.

Mr. Grees.

3830. How long are the snap nets that are used here?—They are 3 yards in length, but when on the water they are about 4½ yards, when they are fully fishing, in fishing form.

Mr. Guyon.

3831. You have been a cat fisherman here?—Yes, sir.

3832. Was that fishing on your own account?—Yes, sir.

3833. Were you a farmer on the bank?—No, sir, a fisherman all my life.

3834. That was your trade?—Yes, and my father before me.

3835. What water were you fishing, may I ask?—Well, we had about six miles of one side of the river to fish.

3836. From whom had you leave?—We had leave from the landlord.

3837. Now, in your recollection of it, was there at that time much night fishing on the river?—I am not asking you whether you fished or not, but whether there was?—I recollect the time when there was little or no night fishing.

3838. And you think that the night fishing has increased at the present time?—Well, not much, but there was very little done then, because a fisherman could fish in all parts of the river in my time. There was no such thing as preservation between here and Inchago, not an inch, and down to Inishoge Bridge there was no place preserved.

3839. And they were willing to fish in the day time?—They used to fish in the day time then.

3840. Was not the price of salmon much lower then?—A good deal lower.

Dr. Makoffy.

3841. What was it?—About one and sixpence was all they got at that time, and they put it up to half-a-crown these late years, and three shillings sometimes. I don't know, I could not exactly say.

Mr. Guyon.

3842. If you took a crew of men working a net through the year, how much do you suppose it would pay them, taking a fair average?—Well, I would say about £15 or £20.

3843. For the whole crew?—That is, a man.

3844. Do you mean that they would kill about 60 or 70 salmon?—Yes, about that, or they might kill up to 80 salmon. Of course, it goes very low in the latter end of the season.

3845. You say there is more of the water preserved now than there was when you were younger?—Yes.

3846. There is more preservation?—Yes, but the preservation has not increased so much year after year. Fishermen are getting the same part of the river to fish.

3847. Do you mean to say that there is less preservation?—Witness—Less preservation?

3848. Then when you were young?—No; certainly not. There was no preservation at all then.

3849. And was there an enclosure of water where there had been a free right before?—That was what caused the poaching, sir.

3850. How much of the river was open in your recollection?—The river was open from General McCabert's down to the Bridge of Inishoge.

3851. To fishing of every kind?—Every kind, rock and line and nets.

3852. At that time?—Yes, sir.

3853. And at that time you say it was mostly fair fishing?—It was all fair fishing. A very odd time they would go out at night, but they used not do it generally, because they were fishing all day.

3854. But, of course, the fish were being gaffed in the spawning rivers at that time as they are now?—There were twice as many gaffed.

3855. Twice as many gaffed in the spawning rivers as there are now?—Yes.

3856. Do you think at the present time there are fewer fish in the river than there were when you were young?—I know there are as many fish in it.

3857. As many?—Yes, I expect so.

3858. And you think that if the thing was watched there would be a great many more fish in it than there are now?—Yes.

Mr. Justice Ross.

3859. Do you think the cat men would object to a large tax if they knew they would get larger catches of fish?—I am sure they would not object.

3860. They are intelligent men as a general rule?—Yes, sir.

3861. And they would see the advantage that they would get; and you don't think they would object to a small addition to the licence?—No, I don't think so.

Mr. Guyon.

3862. You don't think they would if the whole thing was put on a more business footing than it is at present?—So long as they get their rights they would not object to pay 10s or £1 more added to their licence.

3863. Is there any difference in the day or night fishing with a snap net?—You would get more in the day than in the night. I think the only way would be to let the men have the night fishing and then there would be no fishing in the day, because every man would be fishing along the river with his rod, and he could pull up any man.

Mr. Grees.

3864. Now, I am speaking of the catches of fish in the fresh water. You have from the 1st of February till the 15th of August. What is the month in which they catch most?—About the month of May. A cat man would often be on this river for eight weeks without ever setting a net, in good weather, and never catch a fish.

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MR. JOHN DUNNETT—continued.

[KILKENNY.]

Mr. Green—continued.

5865. In March would they catch a good many?—It the water was low they might catch two or three in a week.

5866. Usually the water is too high in March?—Too high.

5867. And May is about the best month?—May is about the best month.

5868. And now the water is getting low?—And they would get nothing at all.

5869. Do they have about two months' fishing in the year generally?—They haven't three, at any rate.

Mr. Justice Ross.

5870. Could you give us any idea of how many men there are engaged in that kind of work in the fresh water?—There are twelve in Thomastown. I don't know how many there are in Bennett's Bridge. I suppose about four or five crews.

Dr. Makoff.

5871. How many cuts?—Two cuts for each four men.

5872. There must be a great number of cuts in the fresh water?—Yes; about eight crews.

Mr. Guyan.

5873. Eight crews up to how far?—I suppose about Three Castles, that is about three miles above the city.

5874. Above Kilkenny?—Yes, about three miles from the city here, up.

Mr. Justice Ross.

5875. These men would only be seriously at work for two months of the year, or three months at most?—Yes, and if there is wind or high water they can't fish.

5876. And then they don't live on the fishing at all?—Oh, they live on it, single fishing and trout fishing, not altogether on salmon fishing.

Mr. Guyan.

5877. But are they following any other trade besides fishing?—Well, some of them work a bit, and they fish a couple of hours after their work up to eight o'clock, and more of them get an hour or two, and they have certain work, like task work.

5878. That are three many of those men that have farms of their own?—None of them have farms that I know; not round Thomastown, at any rate.

MR. HARVEY BRIDGES, examined.

Mr. Justice Ross.

5896. In whose employment are you?—Mr. Tighe's employment.

5897. How long have you been in his employment?—Well, I am twenty-six years.

5898. Have you been usually employed about the fishery?—Woods and fishery.

5899. Have you ever had any experience of any fishery anywhere else?—No, sir.

5900. Do you think it is getting any better or any worse?—Well, it is about at the same stand still.

5901. Have you any knowledge of the poaching that is going on?—Yes.

5902. You have heard the evidence given to-day to show that the river is almost abandoned?—Well, of course, that is right, or, except in Mr. Tighe's pocket.

5903. All the rest has no watching at all?—Well, the couple of baillifs in it may be doing their best.

5904. The number of baillifs is so small, and the length of the river is so great, that you don't think it could be done efficiently?—It could not be done, and it is hard work to do it properly. It is very hard work.

5905. Is there anything that you wish to add to the evidence you have heard already given to-day, does anything occur to you, as a practical man?—No, sir. The only thing that I could suggest was the one thing, that is, the appointment of baillifs, to have them all Civil Servants, so as they would be independent men, and could do their work thoroughly. That is the only suggestion I could make. Because under present circumstances the baillif is appointed practically by the fishermen, and of course he can't do his work as an

Mr. Guyan—continued.

5879. All fishermen?—All fishermen, and hard-working; and they go to work in the winter time to any place that they can get it, and work hard.

Dr. Makoff.

5880. Do they sell the fish in Kilkenny?—They send fish to Kilkenny and send it to Monaghan, and to New Ross and to London.

5881. Do they send it by cart?—By train and car.

5882. They put there is the nearest railway station?—Yes.

5883. That is what they do?—Yes.

Mr. Guyan.

5884. Are there any men taking out red licences as professional fishermen?—In Thomastown I am sure there are about twelve or fourteen.

5885. Who make a business of fishing with the red?—Some do and some do not.

Mr. Green.

5886. Some of them are tradesmen?—Yes.

Mr. Guyan.

5887. What I was thinking of was whether any of those cut men, men like yourself, did so. Would they take out a red licence?—They generally all take it out.

Mr. Justice Ross.

5888. They all take it out?—They do, a good many of them. There are only very few of them that don't. They make more out of trout fishing than they do out of salmon fishing.

Dr. Makoff.

5889. Do they?—Yes.

5890. How do they sell the trout?—They get up to 11d. a pound for it.

5891. In Kilkenny?—No, in Waterford; from that down to 8d. and 6d.

5892. Can they catch a good many in the day?—I caught twelve dozen and seven myself one day.

5893. What weight?—They averaged from a pound up to less than half-a-pound.

5894. That was a good day's fishing?—I got over 40 for it.

5895. What did you catch these twelve dozen with?—Worms.

Mr. Justice Ross—continued.

independent man, because when there is an election coming on the baillif has to go round and he has to collect all the licence papers, because they can vote by proxy, so that he has to be under a certain amount of compulsion to the man that he gets the licence paper from, and I suggest that that should be done away with.

5906. Well, it seems to be utterly unreasonable. That is the only thing that you suggest?—That is the only thing that I want to suggest.

Mr. Caldwell.

5907. Do you know anything about these bump-backed fish?—Yes, sir, I have seen them.

5908. Can you tell me anything about the numbers of the fry?—It was done by a man of the name of Mr. Doren. He has a weir in the upper portion of the river.

5909. Is he there still?—No, sir, it now belongs to a Mr. Carey. He is at present here in court.

5910. And Mr. Doren?—Mr. Doren is dead.

5911. Do you know how many fry he put in?—I have no idea of the number.

5912. Do you know whether it was a large or a small number?—It was not a large number, sir.

5913. Have you any idea of how many bump-backed fish were taken?—Well, there must have been hundreds of them taken out of the river, because you would see them every year in great numbers.

5914. There must have been a most extraordinary number of fry put in?—Well, only except that they might cross.

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MR. HARVEY HAVESER—continued.

[KILKENNY.]

Mr. Green.

5915. Have they vanished out of the river now?—No, sir.

5916. Do you see them occasionally?—Yes, sir, they are taken occasionally.

5917. And you never saw such fish before, and this sort of fish were quite unknown in the river before?—Before that.

5918. Quite unknown?—Quite unknown before that.

5919. And they are very distinct?—Very distinct. There would be a hump on their backs; and they are thick and short.

Mr. Guyan.

5920. How many fish in the year do you suppose are killed by Mr. Tyle's net and the weir together?—Witness—That is between the net and the weir?

5921. Yes?—I could not give you any idea of that.

5922. Mr. Jones (by permission of the Committee)—You mentioned about halfpence collecting proxy licenses?—Yes.

5923. Are you aware that that is distinctly against the rules of the Board?—Well, it may be against the orders of the Board, but it is done.

MR. DEWIS J. GOSSEY, examined.

Mr. Justice Ross.

5924. In whose employment are you?—I am in nobody's employment, sir.

5925. Are you a farmer?—I am a farmer.

5926. Have you bought out?—Well, not this particular portion of land that I am interested in. I am also a Conservator here.

Dr. Mahaffy.

5927. Elected?—Yes.

Mr. Justice Ross.

5928. And I suppose you have a good knowledge of the upper waters?—Yes, I think I know as much about the upper waters as most people can. I lived on the King's River when I was a young fellow, and I have travelled the county pretty extensively, and I know a good deal of it.

5929. You have been present at the examination of the other witnesses?—Well, not during the examination of some, but I have been present during the examination of the last four.

5930. Do you think the river is a good river for salmon?—Oh, yes, it is a very good river for every sort of fishing, trout and salmon.

5931. And do you think it is properly treated?—It is not treated at all, as a matter of fact. Any money that is spent on the river is absolutely wasted. At present we have only four men, one about two miles at the Kilkenny side of Thomastown—Inchall, the head bailiff living there, near Bennett's Bridge; and a man called Kilham, a man on the upper water. You might as well have a lot of boys on the river, because they are absolutely useless.

5932. Owing to the smallness of their number they are inefficient?—They are inefficient from that point of view.

5933. Are they inefficient from any other point of view?—I think so. In the first place you don't get men of the description you desire as water bailiffs. The system of preservation is altogether wrong.

5934. Is not that a question of money?—No, sir, it is not. It is a question of money to a large extent, but that is not the whole question.

5935. Give us your views on that?—You have corruption and everything, and men you put on don't do their duty.

5936. What do you mean by corruption?—It is like this. When an election is on the bailiffs go round to get the licenses to put in a certain class of Conservator, men who would support them, possibly; and they go round and gather the licenses and gather the proxies, and vote in their men.

5937. And then the men, you say, support them?—Well, naturally.

Dr. Mahaffy.

5938. Are you not yourself a Conservator?—Yes.

5939. And you would have the courage to raise your objection when you attend that Board?—Yes.

5940. And are not those questions raised by the Conservators?—Sometimes. It was raised at the last election. There was an election and the question came up very freely, because the licenses are collected by the bailiffs. There is, practically, only another Conservator with myself to attend there. The ex-officio don't attend very often, I am sorry to say, come in two or three months. We meet in Kilkenny. Sometimes there are two of the Barrow men (the Barrow and the Nore meet together), and, practically, we do

Dr. Mahaffy—continued.

our business for ourselves and they don't interfere in our business, and the ex-officio don't attend at all. But they could do a lot of good if they would attend.

5941. Why don't they attend?—I could not explain that.

5942. They say their suggestions were ignored, and it was not worth while?—That might have been some time ago, but I know that the present Board would be very happy to work in anything reasonable that was suggested, as far as you could go; but while you have the present system you will never have anything right. You must change it, and make it a matter of business. What I would suggest is, that whether it is the present police force, or some addition to the present police force, you should employ a certain number of the present men, or some additional men, to preserve the fishing, and give their attention specially to the business.

5943. A special force?—A special force attached to the barracks. What I mean is, for instance, that in the close season those men could be transferred to barracks in the upper reaches of the river where the spawning would be on, and after the close season they could come back and be transferred back, two in Inistioge, two in Thomastown, two in Bennett's Bridge, and two in Kilkenny, and you might work it that way.

Mr. Guyan.

5944. How many policemen have you at Inistioge at the present time?—I could not tell you. I don't suppose there are over two there. And another thing is this, that we would be very happy to hand over our revenues.

5945. Colonel Hamilton.—There are one sergeant and four constables in Inistioge. Witness—I suggest one or two to be added to that force, to be paid by the Government, for the protection of the fish, as river police. It is not unknown, I suppose.

Mr. Guyan.

5946. And you don't think the police in Inistioge would be enough to watch down the river?—I am sure they would, but that is a matter that I have not very much of an opinion about, because I don't know what their business is exactly. They could, I am sure, if you put in one man and told of a man of the present force with him. I am sure, if what I suggest is done, it will make a great change in the river, and there will be ten fish where there is one now, and ten people getting a living where there is one getting a living now, by protecting the spawning beds of the river. I know now where people kill them with the fork, and tell you they are better and cheaper than herrings for the winter, and they kill them wholesale, because there is no protection whatsoever in the upper reaches for the fish.

Mr. Justice Ross.

5947. And the eggs, they feed the dogs with, I suppose?—I don't know what they do with the eggs. The fish are killed going up to spawn, and, of course, they are killed before they spawn, and if you kill the fish you kill the eggs.

Dr. Mahaffy.

5948. It is very curious that the number of fish remains the same, notwithstanding all this?—They are

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Mr. DOWD J. GORMAN—continued.

[KILKENNY.]

Dr. Molloy—continued.

the same, and that is due to the state of the weather, strong winds and low water.

5949. All this poaching carried on by gentle and simple does not seem to diminish the number of fish in the river?—I don't know what the receipts from fish were formerly, but in my experience of fifteen years, they are pretty much the same. Two years ago they were very bad.

5950. I am surprised there is a fish in the river at all?—I am wondering at the same thing. It is a mystery to me how a fish can live at all. If you had some practical knowledge of it, and saw the amount of poachers that are on the river, you would be surprised that a fish exists in the river at all.

Mr. Justice Ross.

5951. Do you know anything about these lump-backed fish?—I just heard of these being introduced into the river, but I have seen the type, and I think they were more plentiful in the first years I went there than at present. I have seen some with a short hump, very handsome fish, weighing up to 40 lbs., but they are not anything like as plentiful as the ordinary fish. It is only very seldom that you see one of these nice handsome fish.

Mr. Green.

5952. You are elected on the Board of Conservators?—Yes, from Innishoge up here. I believe I am an expert also. I don't care whether they elect me or not. I am not acting as the tool of any body or any set

Mr. Green—continued.

of fishermen, or anybody else. I would just like to say about the King's River that it is one of the best trout streams in the South of Ireland. I have seen with my own eyes sets of men go out any night we drove from this town. They walk out six miles to the river and they bang in trout into the town, and that is done from Slough to Callan, and I never heard of one prosecution yet.

5953. Who is the owner?—The owners of those small streams never take any interest, and that is going on all the year round ever since the fishing season started.

Mr. Justice Ross.

5954. I think it is one of the most beautiful trout streams in Ireland?—I have heard that, and I have often heard people say that the King's River is the best trout stream in Ireland. They are pink there in March almost. They are beautiful trout, and there is no protection. And you see there in fishermen's windows, little trout that size (pointing indicates size) caught with the net; and if you saw the heaps of them that would be on the fishermen's benches it would surprise you.

5955. Mr. Justice.—Are you aware William Ireland had convictions against these very trout men?—He may have convictions, but convictions for killing them there are none. There are three or four different places, and I know three or four passing my dwelling every night in the week almost.

5956. Read it out, Mr. Justice.—I could not be there every night in the summer time.

MR. JAMES LALOR, examined.

Mr. Justice Ross.

5957. Are you interested in fishing?—Interested in both rod and snap-net fishing.

5958. Do you work it yourself?—I work both the rod and the snap net.

5959. Are you the owner of a cot?—Yes, sir, or my father, rather.

5960. And what part of the river are you best acquainted with?—From miles from Kilkenny, between Kilkenny and Ballyragget.

5961. Do you think the river is improving or getting worse?—There is a slight improvement for the last two years. Previous to that, for about seven or eight years, there were practically no fish in the upper waters.

5962. No fish?—Well, an angler would get two spring fish in the season.

5963. And now the fishing is improved?—There is a little improvement for the last two years.

5964. What do you attribute the improvement to?—Well, as far as the improvement goes, you are it all depends on floods. If you have no flood you will have no fish, and I think there are too many obstacles on the water.

5965. You have heard the evidence given here about the extent of poaching that goes on?—Well, I have conversed to two of the main rivers.

5966. And I suppose you are aware of the extent of the poaching?—They are all poached. There is no protection at all. You will never see a salmon on this river unless some protection of the police is given.

5967. And is there fishing at illegal times, fishing in the weekly close period?—We never fish after eight o'clock, not these ten years back.

5968. Do you think that the regular fishermen, supposing funds were necessary, would be willing to have the licence duty increased to some small extent for the sake of the advantage they would get by an improvement of the fishing?—The old fishermen, I am sure, would not object to an increase in the licence if they thought it would improve the river. It would be worth their while.

5969. They would not think much of 10s. or £1 in addition?—If they got something equivalent for it in the shape of fish it would be well worth their while.

5970. But funds will have to be raised in some way, and there is no use in calling on the State. It will have to come from the people. And you think that the people have now sufficient knowledge of the advan-

Mr. Justice Ross—continued.

tage to be derived from protection of this river to be willing to pay an increased licence duty?—Oh, yes, they are intelligent enough for that. The worst thing I see in the fishery is that the water bailiffs devote all their time to men gaffing salmon there under the bank, and then in the spawning season there is no sign of them at all.

Mr. Green.

5971. The fish are not worth catching then?—Well, they are worth something in the summer time to gaff.

5972. The bailiffs don't watch poachers gaff them in the winter time?—The winter time is the time to mind them, when they are breeding.

Mr. Justice Ross.

5973. Did you say that the people who were gaffing them under the banks were the bailiffs?—Oh, I said so each thing. I said their time was taken up by watching that.

5974. Have you any suggestion to make as a practical man?—The only thing I suggest is to increase the number of bailiffs. The present men are good men, but they can't be expected to attend to the whole river.

5975. They are good men?—The head water bailiff is counted a good man, but he can't get over the whole stretch of river from Waterford to Queen's County.

5976. And besides, his time is taken up in other places?—I don't believe he is engaged so much as that.

5977. He shoots pheasants, and lives as a gentleman at Luggo?—I will not say that he is not entitled to do so, but still his time can't be altogether devoted to the river?—Well, he can't be expected to mind the whole of the river.

5978. The Luggo side is too much, particularly with all the other heavy work of shooting?—Well, you can't expect a man to be on the river all day and every day.

Mr. Green.

5979. Is there any other cot net above Kilkenny besides yours?—We are the only one above Kilkenny.

Mr. Gorman.

5980. You are on the licensed crew?—I don't think cot fishing should be allowed in Ballyragget. The water is too low in the Nore.

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MR. JAMES LAYN—continued.

[KILKENNY.

Mr. Green.

5981. Do you think it would do any harm to prohibit nets from Kilkenny up?—If you prohibit them they should be prohibited all round.

5982. It has been suggested to us that it would be a good thing to stop netting in the fresh-water portion of the river?—There would be very little fish taken out of the river by net. Most of the fish would go up and they would not be killed.

Dr. Mahaffy.

5983. How many fish do you get with your net in a season?—That is a thing I never reckoned up.

5984. You can say about what number. Do you get 100?—I would not get 100 fish. The year before last, I suppose, we got, on a rough calculation (but we never kept an account of it), about 50 fish; and that was the best year in ten before or since; and, of course, there were floods running for three months of the time.

5985. How many days were you out for those 50 fish?—We fish every evening the whole year round, till the water is getting low.

Mr. Gwynn.

5986. Is fishing your only business?—Oh, not at all; I am a bootmaker.

5987. So then you just add to that by fishing, you and the other men?—I could live without the fishing,

Mr. Gwynn—continued.

if it went to that. I am not fishing myself for a month or two in the spring, and they reach up there.

5988. Do you get as many fish with the net as you do with the net?—Oh, not at all. I count it very good work to get seven or eight fish in the spring with the net. This year I only got two fish.

5989. Do you know, of your own knowledge, of any not fishing at night above Kilkenny?—I have the only one, and I can swear on my oath that I never went out with a net after eight o'clock these ten years. They used to do it twenty years ago.

5990. Is it easier to get the fish in the night or in the day with a net?—Of course, in summer time, I suppose, night is best.

Mr. Green.

5991. I suppose it is easier to get them when there is a little bit of a flood coming on, when the water is dirty, and then they kill those fish?—Oh, not at all, sir. We never fish in dirty waters. In the spring time the day time is just the same for fishing as any other time.

5992. Mr. Jones.—Would you tell us what bait you are getting fish?—I did not see one. I used the bait of time was taken up with very immaterial poaching in the summer time.

MR. MICHAEL FLEMING, examined.

Mr. Justice Ross.

5993. What are you?—A fisherman. I fish with rod and line.

5994. Any other business?—I have a publichouse.

5995. Where?—Near Three Castles.

5996. And have you been a fisherman all your life?—I have been fishing all my life, and I have ground upon the Meer purchased out, and I have some of the best rod fishing on the water that you could pick out on the river Nore.

5997. And in your publichouse more or less of a hotel, and do you put up people coming to fish there?—Strangers very seldom come to fish, nobody except the people from the town.

5998. Is the fishing improving or getting worse?—It is getting worse of late.

5999. What do you attribute that to?—I could not say. I know within the last fifteen years, from my experience, they changed the flow of the water at Ballyredmond Weir, so that the fish could be taken, and there was a gap at that time, too, as I understand, in the course of the river. They changed that gap from that into the side of it, and there was a gentleman living here, General Bellock, and the fishermen persuaded him to put it to the side, so that they would fill there with the rod.

6000. Things have got much worse since that year?—Yes, much worse. I may say I only got three little fish this year, and one of them only 6 lbs., and they are all talking of the lessening of the fish, but they have any amount of fish down the river, which are not allowed to come up here. And I heard another man say that it would be better to go out and fish in the night, and he didn't tell you that they won't go out and fish in the day.

Mr. Justice Ross—continued.

6001. You are one of the men that brought out their holdings?—Yes, sir.

Dr. Mahaffy.

6002. What estate was it formerly?—It is purchased out these good many years.

6003. From whom?—It belonged to Mr. Cahill. It was he who was living in my house, Colonel Cahill's brother, of Ballyredmond. He had it before I took it.

Mr. Green.

6004. Did you buy the fishing as well?—Yes, I had the right to fish.

6005. Did you never think of getting people to come and stay at your publichouse?—I never thought of inviting anybody.

6006. You would not think of that as business?—No, because I would not think it worth while, and I have never generated a rod man going to fish it.

6007. Do many go to your little hotel?—Mine is not a hotel like that. It is only an ordinary publichouse.

Dr. Mahaffy.

6008. Have you anything to suggest?—I have nothing to suggest only the one thing that you are all aware of, and that is to put on more water bailiffs. There are not enough of water bailiffs to protect the river.

Mr. Justice Ross.

6009. And would you like to see the weir put back into its old condition?—Yes, certainly I would; and I live where the Dinna comes in, and every winter those the spawning fish are taken out of it in dozens.

MR. MICHAEL O'NEILL, examined.

Mr. Justice Ross.

6010. Are you a conservator?—Yes, at present an ex-officio conservator, and formerly an elected conservator for a great number of years.

6011. You have heard some of the evidence given here as to the lamentable condition of the river. What have you to say with regard to that?—I am in agreement with the views of most of the witnesses.

6012. And what observations do you not agree with?—First, with respect to the method of improving the fishing of this local river as an industry; and, secondly, the method adopted to preserve it, and, thirdly, as regards those who ought to have the controlling power for the preservation of the river and the management of it. There are a great number

Mr. Justice Ross—continued.

of gentlemen who gave evidence here who are very much in agreement, what I call the riparian owners who formerly had full control over the fishing of the river. In fact, up to recent years any person outside a certain quarter had no chance of being a member of the Board. I believe I was the first that attempted to break down the barrier, and after some hard fighting and hard hitting on both sides I succeeded eventually. I got in another with me, and there were thus elected two representatives of what I may call the popular side, with the result that those ex-officio gentlemen—whether they thought that so-called station in life was beneath their dignity to sit with us at a board or otherwise, I don't know, but they absented themselves very much from our meetings.

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MR. MONTAGU O'NEILL—continued.

[KILKENNY.]

Dr. Mahaffy.

6013. And do you carry on your business without them?—We have done so, and, in my opinion, we have done the business far better than it had been done. And more than that, we have had complaints here against the water bailiffs who were sitting over the river. They are the very men that were handed down to us by the old Board with a recommendation to us for their competence, with the result that we are quite willing to dispense with their services.

Mr. Justice Ross.

6014. Do you find them competent?—Well, there may be things that we would possibly disagree about, but generally, in my opinion, you might go farther and fare worse.

6015. That is the most that you would say in their favour?—Exactly.

6016. Go on?—With regard to the expenditure of the money, I happened, while I was an elected conservator, to attend the half-yearly meeting of the Board of Fishery Conservators in Waterford, and I heard the abstract of the accounts read there for the information of the members of the Board by the Secretary, who is Mr. Jones, and I found that the entire income contributed to the Board amounted to about £1,000 a year, near to £1,500, I believe, and I also found that two-thirds of that (and I have heard evidence given here to-day to the contrary) was spent on preservation during the open season, and that one-third was spent when the river ought to be protected, which is the close season. I repeatedly put that point to the Fishery Board of Conservators, and, to use a common expression, I asserted that they were putting the cart before the horse, and that one-third ought to be spent during the open season and two-thirds expended at the proper time for the preservation of the spawning fish; but my suggestions seemed to be altogether ignored; at least they were not acted upon.

6017. Surely if they did not keep the nets in order in the open season no fish would be allowed to go up at all?—I did not catch exactly your question.

Mr. Gwynn.

6018. If the net men in the estuary were not compelled to abide by the law and keep the weekly close time and off the rest of it, there would be no chance for the fish to come up into the upper waters at all, so that they must put a certain amount of protection on the open season?—Yes, but when the law allowed fishing night and day there was more fish in the river than what there is now, and in those upper portions I do admit that poaching to a considerable extent is being practised on this river, but the worst class of poaching is on the upper portions of the river and its tributaries, during the spawning season. There is where the real destruction of our fish takes place.

Dr. Mahaffy.

6019. Didn't that always take place?—Well, I don't say that it has taken place in the past as much as in the present.

6020. When there were five or six people living up there for the one that lives there now, do you mean to say that there was not more poaching?—The people did not think they were doing anything that would be the means of preventing what would be the best stock of the country. They would not be inclined owing to the superior education that they have now as compared with what they had a century ago.

6021. You don't mean that education makes them poach?—No, that it prevents them.

6022. Then you admit that there was a vast number of uneducated boys living in the country at that time, and I say there was always poaching in those places, so that cannot be the main cause of the river getting worse?—The point, I understand, is as to whether the fish have decreased in this river. Now or not.

6023. Yes?—I happen to be living on a portion of this river. Now myself. I have had adjoining it, abutting on it for close on half-a-mile, some of the best water on the river. Now so far as snap net fishing is concerned, and I have a knowledge of the fishermen and their habits, and I must say on their behalf that the fishermen that are actually making a living by

Dr. Mahaffy—continued.

this trade are not poachers. The poacher is a man who is not actually a fisherman, but goes around and catches any opportunity, whether it be this remarkable Ballyredmond weir on the Nore or not. There is the place where the destruction of fish goes on. With respect to preservation, there is very little of it in the close season. I can see the water bailiff in my district repeatedly. He can see the fish pass on the river during the night in the open season, but the moment the open season terminates that water bailiff is as scarce on the banks of Ballyredmond as a white blackbird.

6024. Do you say the number of fish is diminished or not?—I would not say they are, sir. From the knowledge I have got from fishermen of what they actually turn over each year, I think they are about stationary.

Mr. Justice Ross.

6025. Don't you agree with most of the witnesses that this river has gone natural quantities, and if it were properly and systematically handled as is countries where things are more effectively done it would be an asset of enormous value?—I am in entire agreement with that, but then you have to begin at the fountain head, and that is to tackle this remarkable long net in Laneside.

6026. You can't do that, because it is legal?—Well, with the changes they have adopted recently in fishing that net it is absolutely necessary to have some legislation passed.

Mr. Gwynn.

6027. Have you not heard Mr. Tighe's evidence that the average take of fish with that net has not altered in the last twenty-five years?—I would be very slow to doubt Mr. Tighe's evidence, but we all understand that that is one of the greatest obstructions to the free passage of the fish up the river. We are in entire agreement on that subject at the Board of Conservators. The other conservators with me on the Board are in agreement with my view that that net should be purchased out.

Mr. Justice Ross.

6028. Before you begin to talk of purchasing out a perfectly legal net you would be called upon to prove your upper waters sufficiently, where whatever mischief is done in the estuary must be small in comparison with the evil mischief done to the spawning?

—If this net was done away with the fish would increase enormously in this river. A fisherman, whether rod man or snap net man, would be prepared, and could afford to pay a large increase in his license duty, and by that means I think the money would be raised by some local authority, and could be well repaid from the proceeds of the fishing licenses.

Dr. Mahaffy.

6029. Has not the cod fishing increased lately in the tidal way?—I am not well acquainted with the tidal portion of the river. The principal part of the river I know is from where this remarkable net works almost up into Ballynagot. During Mr. Fox's time, who was an active member of our Board, he was absolutely for doing away with this net, and I say that if Mr. Tighe cares to sell his interest in it I don't see that there should be a vast amount of trouble in raising the necessary funds to purchase his interest.

Mr. Gwynn.

6030. You are on the water at Ballyredmond?—Yes.

6031. Do you think there is any chance of a combination amongst the riparian owners to develop the fishing of the river?—In my opinion it is quite impossible, really. I think the fishing industry should be a great national asset handed over to the control of some local body working with the Department.

6032. That would require compulsion. You would have to take up the rights by force?—Well, I expect that new legislation will come into operation.

Mr. Gwynn.

6033. Would you be willing that your rights should be taken from you?—I would, to recover nothing, if it was right, and for the benefit of the river.

7th September, 1911.]

Mr. MICHAEL O'NEILL—continued.

[KILKENNY.]

Mr. Justice Ross.

6034 And do you fish yourself?—I used to red-fish. I don't now. I am not in such health as to be working all day on the water.

6035 But you would have no objection?—None whatever, and I don't think there is a farmer on the river who has not fished but would be perfectly willing to sell his rights provided it would be understood that the proceeds after paying the expenditure would come to the relief of the rates. The fishing rights at Ballyredmond on that half-mile of river are worth nothing to me.

6036 There are not many farmers working the nets themselves?—Not many at present in that district. In Mr. Tighe's district there are a large number of small holders of land, and a great number of these are engaged in fishing, and to these men Mr. Tighe gave this privilege that I speak about in order to enable them to pay their rents. In other words, I think it would be a dead duck. But in general in my district the farmers don't fish. They go in a little for trout fishing and something like that, but I don't think five in my whole district pay one pound for a red license.

The Committee adjourned.

FOURTEENTH PUBLIC SITTING.

FRIDAY, 8TH SEPTEMBER, 1911.

AT 11 A.M.

At the Courthouse, Clonmel.

PRESENT:

THE RIGHT HON. MR. JUSTICE ROSS (in the chair).

REV. JOHN FOSTLAND MARSHY, B.O.L., M.B., C.V.O.
MR. SEPHEN GWYN, M.P.

MR. W. L. CALDERWOOD, F.R.S.B.
MR. W. S. GILPIN, C.B.

MR. R. H. LEE, Secretary

THE RIGHT HON. THE EARL OF DONOUGHMORE, examined.

Mr. Justice Ross.

6039 What river can you speak about?—I can only speak about the Suir. I have a general knowledge of what goes on in the lower waters.

6040 Your lordship has been brought up here?—Oh, yes.

6041 And of late years is it what you would call a good fishing river?—From the red point of view, it is a good fishing river.

6042 Are there plenty of salmon?—Well, it varies. It is a river that in a good year I should say is very good, and in a bad year very bad; and there are no average years. My experience is that it varies tremendously, the reason being that if we get floods at the right time we get good fishing, but if they don't come at the right time we have no fishing at all.

6043 What do you call a good day?—On our water we are very pleased with three or four fish. I have about two miles of one side of the river, and I have about three miles of both sides of the river, in two different places; and in my own mind I am always pleased when we get 100 fish in the season. The highest I remember was 181, but that was a very exceptional year. That was about eighteen years ago. I am always pleased when we get 100 fish.

6044 Is that place where you own both sides of the river the place where your country residence is?—Yes, it is my own domain.

6045 Then you have less difficulty in preserving there, where you have both sides of the river?—Yes.

6046 How far away is the place where you have one side?—Four miles.

Mr. Justice Ross—continued.

There is one other matter, as regards preservation, that is, who would have preserved the river? In my opinion, I think the Constabulary are the proper parties. If our present system is to continue I would be inclined to agree with that, and that a bonus should be given to the sergeant of the station.

6037. Mr. JONES.—Mr. O'Neill, you are quite right in saying that the great protection should be in the close season. Are you aware that in the last open season, at the close of the open season, the preservation for eight months cost £237 odd, whereas for the four months of the preceding close time the expenditure was £214, that is nearly double the rate of expenditure that there was in the open season?—That corroborates my statement, that there is more money expended in the open season.

6038. Mr. Fleming mentioned about the Ballyredmond weir, which is a weir that has been often under discussion, but was there anything remarkable there?—The gap was changed.

Mr. JONES.—The present gap is there by direction (and under supervision) of the Inspector of Fisheries.

Mr. Gwyn.

6047. Can you fish across the water there?—Yes.

Mr. Justice Ross.

6048 Who is on the other side?—I think it is Miss Perry who is the owner, but a gentleman has had the fishing for some time.

6049. I think you agree?—I don't think we ever quarrel.

6050. Is it much poached?—Well, it is difficult to say. It is very difficult to get evidence about that. My own belief is that they don't poach much in our part of the river. We always suppose that it is in the lower waters that the poaching is done by nets fishing out of hours below Clonmel. That is my belief.

6051. What about the spawning grounds?—Harris is done undoubtedly there.

6052. That is our universal experience?—I think it is through ignorance.

6053. The people don't seem to realize what the value of the spawning fish is?—Oh, no.

6054. And the valuelessness of it to them?—Yes.

6055. Do you find that that is so?—Oh, yes, I think that is universally the case.

6056. Will you tell me about the Board of Conservators; is it the same Board that takes charge of the Nore?—Oh, no, we have a separate Board on the Suir.

6057. Now, how is it composed?—Well, Mr. Eschsch will give better details as to that. He is a better attendant at the Board than I am. Every magistrate who is a riparian owner is a member of the Board, and

28th September, 1911.] THE ROSEB HAN, THE SAIR OF DOUGALMORE—continued.

[CLOSURE.]

Mr. Justice Ross—continued.

then there are representatives of the nets below, elected representatives.

6038. How many baillifs do they employ?—Mr. McCormack will give you all those facts. He is closely in touch with them every day.

6039. I suppose it is the same in this case as in other places where we have been, that the baillifs are not at all sufficient in number?—I don't think so. I think it has not the money to spend on sufficient water baillifs.

6040. Now, that is a point on which you might be able to give us a suggestion. Have you any suggestion to make about raising money which would be available for the purpose of employing more baillifs?—Well, I am afraid the difficulty you get into is this. Of course, once you start asking for local public money, that is to say, rates, you get a demand for local public control, which is, of course, not very desirable in some cases. A salmon river is a very special thing, and I honestly don't see how a local body, most efficient as they are, especially round here, and we have no complaint to make of them in some matters, could really bring the detailed interest or knowledge that is necessary, to the management of a salmon river, if you substitute it for the Board of Conservators. It has often been suggested that you should have a representative committee of all the Comairles concerned with the banks of a certain river, but I cannot persuade myself that that would be an efficient substitute for the present Board, which, although it may have imperfections, does after all represent the people concerned with fishing.

6041. And they understand the situation?—And they understand the situation. The difficulty, I think, is to get a Board that represents all the interests fairly and that will hold the balance between all the different interests. If you want to get a river well managed you must have such a Board.

6042. Then you say that you think the present Board of Conservators is a satisfactory one?—I think they can be improved, but I never have been able to think of a better body.

Mr. Gwynn.

6043. Do they attend?—Same of them do. I do not. I think the position is that if we are told by others that there is anything of real importance coming on we make a point of attendance. I don't think the work suffers from want of attendance.

6044. Men who understand do attend?—Oh, yes.

6045. They have an efficient body of baillifs?—They have an efficient small body. I have never had any complaint to make the other way.

6046. Tell me, Lord Donoughmore, have you said you lend to your tenants?—Yes.

6047. And land adjoining on the river?—Yes.

6048. Have you noticed as yet whether that has made any change?—As a matter of fact, in my own individual case, all the land held under judicial tenancy adjoining on the river was held by two men.

6049. And did you reserve the fishing rights?—I reserved the rights.

6050. Then that makes no difference?—No.

6051. Do you know is there any other large landlord who has sold?—I know of no landlord who has sold and got rid of his fishing rights.

6052. They have reserved the fishing rights?—They have reserved the rights. As a matter of fact, the part of the river which I later took, from Clossel up to Cahin, is nearly all demesne land. There is Mr. Beggell's demesne. There is my demesne, and beyond it I fancy it is the demesne land of Lord Ashbourne. And then there is Newcastle, a small demesne, and

Mr. Gwynn—continued.

Rockdown demesne, and Ballyhack demesne. There are parts of the river which tenants hold, but they are not many.

6053. Do you think it would be possible, under these circumstances, to have co-operation of the whole of those tenants?—It is very desirable, I think.

6054. And would it be possible to have such co-operation if they came to know the full value of the asset?—I think so. Mr. Rockfort will tell you about the Sair Anglos' Association. I am a member of it, of course; Mr. Rockfort is the moving spirit, and I have always felt that in working on these lines they are working on the right lines, that is for voluntary co-operation amongst all people concerned.

6055. Is it your opinion, as far as you can say, that a valuable public property could be made out of this?—I hope so, and I believe so.

6056. Because Ireland seems to have some of the best rivers in the world, and if the present state of things continues, what will be the result?—The fishing will be destroyed there.

6057. The deep-sea fishermen will suffer, and every body will suffer?—Yes.

6058. And you think the Sair is a river that might well be taken in hand?—Yes, it is well worthy of being taken care of.

Mr. Justice Ross.

6059. The problem on this river seems to be much more easy than on any other river that we have come upon yet?—I think your lordship will find that the difficulty of the problem is below Clossel.

6060. Is there anything else that you wish to put before us?—Well, I don't think there is anything else.

6061. Is there any trout-fishing on this river?—There is. I don't think we pay very much attention to it. It is a pity we don't. I believe it could be improved. With regard to fishing on the Sair, the habit has always been to concentrate attention on salmon. I think it is a pity. There are parts where trout fishing could be got. There are some of the tributaries where it is got, but somehow everybody, I think, pays more attention to the salmon for some reason. It has never been properly organised.

6062. It has never been organised?—I don't think so.

6063. What do you think of a suggestion that has been made to put on a licence for trout fishing, a small rate that nobody would object to?—I am bound to say that is a new suggestion, and if anything of that kind was put on I should like to see it very small. It might be desirable to have a licence, but it is a poor man's sport, and I think, therefore, it would be a pity to check it.

6064. And there should be discrimination?—There should be discrimination.

6065. But everybody would be able to pay half-a-crown?—Oh, yes.

6066. And if the money was spent upon the improvement of the sport it would be a gain?—It would improve, yes.

Mr. Gwynn.

6067. Do you find that the ex-officio members of the Board attend?—I don't think they do. I am bound to say that I don't remember attending a meeting for a very long time.

Mr. Gwynn.

6068. I think you said you had a separate Board here, but of course the Board which controls the Sair is the same Board which controls the Nere and the Barrow?—You may have a committee of it.

6069. Mr. William Rockfort.—The annual meetings are for the three rivers. The district is for the three rivers, but of course we have a separate executive.

Mr. WILLIAM ROCKFORT, D.L., continued.

Mr. Justice Ross.

6090. I suppose you know this river all your life?—Yes, the last twenty-five years. I live at Cahin, which is about ten miles of stream from Clossel.

6091. And have you been agent of large properties?—Yes, several.

6092. Where?—Lady Margaret Charteris, Lord Stanhope, Lord Gough, and some other smaller properties, as Miss Perry's, of Newcastle. I am merely mentioning the ones that are on the river that I

manage practically for myself or others. I have a mile and a half of my own water. I have about nine or ten miles of river, both sides in some cases, and in others not.

6093. Do you consider that this is a good river?—Yes, of great natural capacity, with good tributaries and unimpaired fish.

6094. Large salmon?—Large salmon, and in beautiful condition.

8th September, 1911.]

Mr. WILLIAM BOOTHBY, D.A.—continued.

[Continued.]

Mr. Justice Ross—continued.

6095. And up to what weight do you get them?—You commonly get them up to 20 lbs.; and 30 and 35 lbs., and occasionally up to 30 lbs. in the spring. It is a good spring river.

6096. Now, in your opinion, is it improving or is it getting worse?—It rather very much from year to year. On the whole, I think for the last fifteen years there has been an improvement.

6097. To what do you attribute the improvement?—Better preservation, I think.

6098. So there is better preservation?—I think so. We have had an energetic inspector, our principal executive officer, for the last fifteen years, and I think his energies have told very much on the river.

6099. And the men working under him are affected?—On the whole, but he has to put up with not the highest class. The wages don't admit of getting the best class of men.

6100. The secretary will tell us what wages they get?—One of the weaknesses is the want of funds.

6101. Want of funds—we have been hearing that complaint in most places?—Yes.

6102. Well, I suppose, as a magistrate, you know a good deal of the poaching on the river?—Well, to some extent.

6103. And is the poaching a serious matter?—I don't think there is much poaching in the main river. It is more in the tributaries, in the close season.

6104. That is when the fish are going up to spawn?—Yes.

6105. That is a most vital period?—A most vital period.

6106. And the people don't seem to realise what harm they are doing?—A poacher probably does not care, even if he did realise it.

6107. Are they that kind of poacher, the professional poacher, who does nothing else?—Well, apart from the poaching in the tributaries, I think the main poaching is the poaching of salmon taken by the net men who disregard the 48 hours' weekly close time. Their whole outfit is on the river, and they naturally don't like to be put off for two days in the week when they wish to fish.

6108. So they have an outfit?—Oh, yes; their legitimate occupation for five days of the week.

6109. Do I understand from that that they would be small farmers or farmers' sons?—Yes, some of them farmers and some of them sometimes professional fishermen, occasionally labourers. Mr. McCutcheon will give you accurate information about them.

6110. Are they licensed or not?—Oh, yes.

6111. They are licensed?—Yes.

6112. And is it the net they use or the gill?—The net. Now I am speaking of the poaching with the net. In the tributaries that I speak of they use stick-beds or spears, or nets, perhaps.

6113. Then we understand it. Now, in the case of the spawning grounds, we understand the kind of thing that goes on. I suppose they don't make much of a trade of it, I suppose they don't sell what they get?—But it is eaten.

6114. And it is very bad?—It is poor food.

6115. But it is sold?—That I cannot tell.

6116. Now, we will go down to the river proper, as distinguished from the spawning beds. There is some poaching, I think, that goes on there?—In the open season I don't think there is very much. There is a great deal of the river, as Lord Donoughmore pointed out, that is naturally protected by there being defences on the banks, and it is not so easy to poach. But in a dry season like this year and the year 1893, then I should say there would be a considerable amount of poaching above Cairn, up to Golden and Thulie, where the river gets very small, and it is easier to take the fish out there. In fact, the river showed a marked decrease after the two droughty years. It showed a certain depletion in the dry years.

6117. Is there any cot fishing on the river?—Oh, yes, there is a good deal of cot fishing in the fresh water. It is what we think most harmful. Between Grousel and Cairn up Cairn there are 15 sets of snap nets. That is in 11 miles.

6118. Have the people that are engaged in that been carrying on that for a long time?—Yes, I believe so.

Mr. Justice Ross—continued.

6119. From generation to generation?—Yes. These are the people who are attempting sometimes to fish in the weekly close time.

6120. Although they are all licensed, still, I suppose, they fish in the weekly close time?—Yes; of course the licensee should be subject to observing the rules which prohibit such fishing.

6121. In the case of a man that is caught fishing, would his license be refused?—I mean, rather, that there is no power to do so.

6122. What would you think of that as a suggestion for counteracting poaching, that a license should be refused to a man who had been found to be a systematic poacher, supposing the law was altered to that extent?—That seems to be a very excellent suggestion, like refusing a license to a publican who had abused the privilege.

6123. Do you think that would be very effective?—I should think it would.

6124. Have you any means of knowing how much these men get in the season?—I think it is very chance work. Sometimes they do pretty well.

6125. That is in a good year, I take it; because I understood from Lord Donoughmore that there are no average years?—What I understood is that one year with another they make a good living out of it, working about two months in the season. The rest of the time there is not very much done.

6126. Then, I presume, all these men are not specially fishermen, they all have some other business of their own?—Some of them are small farmers, and some of them are partly fishermen and partly labourers.

6127. I suppose you have no knowledge of the state of affairs down near the estuary; I suppose that does not come under your immediate knowledge?—No, not under my immediate knowledge.

6128. Have you any knowledge of trout fishing?—There is good trout fishing.

6129. Do you think it could be improved?—It certainly could. It is fairly good, in places, as it is.

6130. Is the trout fishing reserved strictly, or is permission given?—In some places it is reserved. There is a great deal of trout fishing, and I think no owner would refuse permission for trout fishing, which comes on after the best of the salmon fishing is over, but certain individuals attach importance to it. Lady Margaret Claverley gives leave to numerous people in Cairn Park, and during the season they have merely to get a ticket of admission.

6131. They are local people?—Yes.

6132. Are there any strangers?—Yes, occasionally a gentleman stopping at a hotel would ask for leave, and he is peacefully never refused.

6133. Leave is readily given?—Yes.

6134. Do you think the trout fishing could be developed at all?—Yes, I am sure it could.

6135. In what way would you suggest?—Well, some of the tributaries and streams, I believe, are not in a good deal for trout, and in that way, of course, the fish is destroyed; and an certain places lime is used. That is not within my own knowledge anywhere, but I hear of it. Of course, the main river is really too large a river to poison easily. It is not easy to do it.

6136. Is there much mischief done by pike, that is, to the sea trout?—I am sure the pike kill a good many trout.

6137. There are some rivers where you find pike, and there are others where you find none at all?—Yes.

6138. Is this river a pike river?—In the deep holes in the back part of the river there are pike, and we do as much as we can to take them out. We troll for them.

6139. Not lines?—No, trolling.

6140. And you get a lot of them out?—Yes.

6141. But there is not a systematic effort to exterminate the pike?—No, nothing systematic, but some of the owners' private baiths do it. There is nothing systematic done, that I am aware of, in that direction.

6142. Do you think it would be advantageous?—I should say it would be.

6143. They are very destructive also to salmon over. One pike would do as much harm as a hatchery does good, almost. But are you troubled with commorants?

5th September, 1921.]

MR. WILLIAM BOCHFORT, D.L.—continued.

[CLOONEL.

Mr. Justice Ross—continued.

—Yes. For several years the association that Lord Denborough mentioned, the Salt Anglers' Association, gave a reward of a shilling a head for every eel caught that was killed.

6154. Did you find that effective?—Yes, there was a marked diminution; but we had to pay such a heavy amount in rewards that our funds ran out, and we had to stop it.

6155. But the comments got the worst of that?—Yes, a diminution was very noticeable in the numbers.

6156. Have you got any mischief done by herons?—Well, the harm they do is difficult to say.

Dr. Mahaffy.

6157. They surely kill a great deal of fry?—I am sure they would eat the fry, too, the salmon fry.

6158. Are there many of them?—They are not in any great quantities. I think the comments are much the worst.

Mr. Justice Ross.

6159. Do you know the constitution of the Board of Conservators?—Yes.

6160. Do you attend regularly?—Not regularly. I attend occasionally, as often as I can. Some of the meetings are in Waterford, which is a long way from me.

6161. But when anything special is to be done?—Yes, I then endeavour to attend, and I do attend.

Dr. Mahaffy.

6162. How many Conservators attend?—The general meetings of the year are very well attended. There might be 15 or 20 members present.

Mr. Justice Ross.

6163. And are you satisfied, as a general rule, with the way the Board do their work?—I think the Board is public-spirited, and anxious to do its duty by the river, under great difficulties, mainly inadequacy of funds.

6164. If you could get adequate funds, you think the Board would do very well?—Yes, and I should like to see some alternative suggested before I would condemn the present system.

6165. And do they attend satisfactorily on the whole?—On the whole they do, to the best of their ability. It is not a popular job. It is not easy to get a really good man to take it. You know that.

6166. Now, do you think you get much assistance from the police?—Yes; on the whole, the police, as far as their other duties admit of it, are helpful. I deserve more might be done, but Mr. McCormack will tell you he receives considerable assistance from the police in the close time, the only time when their assistance is really needed.

6167. There was a time when the fine went to the individual constable who sat up at night and had trouble in catching the offender?—Yes.

6168. And that has been abolished, and the fine goes now to the general Police Fund?—So I understand.

6169. Do you think that has had a bad effect, and do you think the men would naturally be more zealous to prosecute and convict if the fine went entirely to himself?—It is not an agreeable job, and the men ought to get some personal benefit for it, if it is not inconsistent with discipline.

6170. Of course, there is the danger in it that the men might be tempted to strain the evidence when he is making money out of it himself?—Yes.

6171. On the whole, what is your opinion of the matter; would it be better to go back to the old system, or to stay as you are?—I think the men ought to get a part of the fine.

6172. Does any way occur to you by which funds could be got?—I think most of the net licences are inadequate. An angler pays a pound for his rod, and perhaps catches one fish in the year. Some of these net men may catch them by the dozen, and the snap nets, which we think do the most harm in the fresh water, only pay a licence of thirty shillings, which means two boats and four men, that is only 7s. 6d. a man, and they may make three times their licence the first day they fish.

Mr. Justice Ross—continued.

6173. And then you think their licences ought to be raised?—I think they are altogether inadequate.

6174. And I don't suppose that when they understood what effect it would have they would oppose that very much?—If they were satisfied that the money was really well spent, for the better preservation of the river, I think they would acquiesce.

6175. They are an intelligent class?—I think, to that extent, they would realise that. And the same remarks apply to the same nets below. They only pay 2s.

6176. That seems little?—Very little.

6177. I suppose every salmon they catch is worth 10s.?—And there is a weir that pays £10 licence, and is supposed to take the fish by the hundred.

6178. That is a very valuable weir?—The owner has let it to a fishing tenant. There is only one other weir. There are only two fishing weirs on the Suir.

6179. Has the weir a King's Gap?—These are the only two weirs that survived the inquiry that was held somewhere about the year 1842.

6180. But there is a King's Gap in the weir for the salmon to go up?—Oh, yes, there is a navigation gap which takes the place of the King's Gap at that part of the river, that is, at Coolmacnee.

6181. Is there a ladder?—No, it is not necessary. It does not extend over the whole river. The navigation gap is not stopped by the weir. The weir stops short of it.

6182. Now, is there any suggestion that has been occurring to you, which you think ought to be put before this Committee with a view to the improvement of the fishery of this particular river?—Well, I think if fresh-water netting were abolished it would be greatly to the advantage of the public and everybody concerned, that is, the netting in fresh water.

6183. But then you see the great difficulty of that, and of course we have to recognise it, that when out-fishing has gone on for generations it is a very difficult business to abolish it, and then supposing that you attempt to get rid of it you have to meet the question of compensation for that particular form of property. I have no doubt you could get rid of it in that way, by compensation, but how are you to award compensation, because everybody would rush in?—I quite appreciate the difficulty of dealing with these men, and it might be looked upon as a very great hardship. But, first of all, they only make the thing really pay for a couple of months in the year, and also a great deal of this water which is now netted might be made good angling water, and these men might get some remunerative employment as gillies or assistant bailiffs. It might drive them into another way of earning their bread, and possibly it might be a better way.

6184. It might in the long run, but we have to take it from the human point of view as the grating up of a certainty for an uncertainty?—It has been done on other rivers, I believe.

6185. What other rivers?—The Barrow. We have high authority for saying that the minority must suffer for the public good sometimes. The nature of a limited number of people must give way.

Dr. Mahaffy.

6186. Do you know how many men are living by it?—Mr. McCormack will tell you, but there are fifteen nets between Clonmel and Carrick-on-Suir—four men in each boat.

Mr. Justice Ross.

6187. But as far as Lord Pembroke is concerned, what has been the effect on the fishing of this river?—This river is peculiarly situated. It is nearly all demesne land, and so it is an easier problem. Below Clonmel it is generally demesne land.

Mr. Green.

6188. And below Clonmel?—And to some extent below Clonmel. When I was below Clonmel I meant to include Clonmel. That takes in Clonmel right away down.

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MR. WILLIAM ROCHFORD, D.L.—continued.

[CHAMBER.]

Mr. Justice Bosc.

6178. Have you any other suggestion?—Well, generally as regards the government of a salmon river, that is really a complicated matter, a salmon river is so different from most other property. The flooding takes place on the tributary streams away from any part of the water where a good fish is ever taken. They only come up there to breed. Consequently in the working of that river you cannot follow the analogy of local interest in other matters. The people there are not interested in the management, because a man living twenty or thirty miles below would get the benefit of it; and that points to the necessity of some strong central body to hold the balance between the netting interest and the angling interest, and it is not asked, as it were, for local autonomy as applied to the district. If the netting people get the control entirely they will govern the river purely in their own interests, perhaps unmindful of the fact that, in the long run, they will suffer from the want of protection of the upper waters, and I think it is a matter for a strong Government Department to take in hand.

Dr. Mahaffy.

6180. How many miles up do the men net?—Up beyond Thurles.

6181. Thirty miles?—Yes, more, fifty miles.

6182. And the best spawning beds are up there?—Yes; some of them.

6183. Are there some of the best spawning streams up there?—Yes, the Aharlow and Annet and others.

6184. That is an enormous area?—An enormous area of rivers; and if there were efficient preservation the river would be swimming with fish.

6185. Is not the trout-fishing very valuable?—People won't pay rent for it, but they value it very much.

6186. Would they not pay a licence for it?—Some would and others would not. The poorer people would not.

6187. That would help you to get more funds?—Yes.

6188. Doesn't trout sell at 11d. a pound in this market here?—I really can't say that. We got them for nothing.

6189. That was given in evidence?—I have no doubt it is so.

6190. It was given in evidence in Killybeg that they got 11d. a pound in Waterford for trout?—Yes.

6191. And trout ought to be of very good quality here?—They are very fine in the season. I don't see any objection to a trout house myself, but it is not hard to put oneself in the position of a man to whom half-a-crown is a great consideration, and I would not like to keep off the poor man who is a keen angler.

6192. If a man can afford to be angling all day he ought to be able to pay half-a-crown?

Mr. Justice Bosc.

6193. They are all able to afford to keep dogs.

6194. *The Earl of Donoughmore.*—But they don't pay the licence.

Mr. Green.

6195. I wish to ask you about the work of your Fishery Association. You have got an important association there?—Well, it is not as large as it might be, but I can tell you anything you wish to know about it. Our income is about £80 a year, and we spend the money to some extent in running some little fisheries below Chinnel where the netters used to do, we thought, the most harm. We sent the water from the corner and then allow angling, but we don't allow any netting on it. In that way we think we benefit the river. That is one of our sources of expenditure.

Mr. Gayan.

6196. How do you get the funds for that?—From voluntary contributions of owners of fisheries, and also of others who get access to fish.

6197. May we take it that it is in the interest of salmon fishing?—Yes, mainly is the interest of salmon fishing, and one of our subscribers is a recent tenant rancher who has obtained his holding and has joined our association. Then where there was a question of providing a local fund to meet an offer of the Fishery Department, our association subscribed towards that

Mr. Gayan—continued.

fund so as to qualify for an additional grant from that quarter. Then we pay three water bailiffs altogether, and contribute to the wages of other bailiffs who are appointed by the Conservators.

Dr. Mahaffy.

6198. Is there much good fishing water higher up than Cahir?—About twenty-five or thirty years ago, I am reliably informed (in fact, I can remember it to some extent), it was very fairly good. As the river went down the fish seemed to hold from the top like an oak trap. If the river is full of fish the upper reaches are well stocked, but as the river is depleted the higher waters are the first to suffer.

6199. How many miles above Cahir was there fishing?—Well, there was fishing up to Cahil and up to Thurles, twenty miles.

6200. I never heard of good fishing at Thurles?—The people there will tell you that they used to catch fish, but certainly at Cahil.

6201. It is really from Cahir down that the good fishing is?—Yes.

6202. How many miles?—Twenty miles to Chinnel.

6203. From about Cahir to end of it, about how many miles?—To the tide, thirty miles.

Mr. Justice Bosc.

6204. There is one important thing I notice in your account. In the year 1900 there was a special fund got up for the preservation of the upper waters of the Suir. How was that fund spent?—Mainly in putting on special bailiffs.

6205. Did you find any good result from that?—They got one of our own people, but they find it very hard to get bailiffs who are really reliable for emergencies of that sort.

6206. And of course they have a very large area to cover?—Yes, they have to cover five or six miles of water of the river. On the whole I don't think that that expenditure was quite a success.

Mr. Green.

6207. Is there any salmon fishing on the tributaries of the Suir?—None, I should say. Certainly not on the Aharlow, which is the only large tributary we have now Cahir.

6208. Not on the Annet either?—No.

6209. Now between this and Cahil, what proportion of it would you say, was blank for angling purposes?—Witness.—Between this and Cahil?

6210. Yes?—I think the greater part of it is fished. I could hardly call it blank. Of course it varies, as you know. There are good stands and places where fish are known to be. No one can tell, perhaps, certainly. There is no doubt water worth speaking of.

Dr. Mahaffy.

6211. Are you troubled with pilch?—Yes, but there has been no organised crusade against them as yet.

Mr. Green.

6212. If the river was developed into a really good angling river there are plenty of stands where men paying for the angling could fish without interfering with each other?—Quite so. If the water was developed I have no doubt the land streams would hold fish that don't hold at now. There is a great deal of water that is netted between this and Carrick, and this stretch would be apparently delighted angling water if it was not netted.

6213. You might rent the fishing land along there?—Well, there is the usual want of funds, the want of good subscriptions. And also some of the owners of the fisheries who have been in the habit of giving leave or leasing the rights of fishing to local persons would hesitate to take it from them merely for the sake of getting an extra rent from us.

Mr. Gayan.

6214. Do the *ex-officio* members come frequently to the meetings of the Board of Conservators?—Not very often. It is very difficult to get people to attend any meeting.

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MR. WILLIAM ROCKFORD, D.L.—continued.

[CLOMEL.]

Mr. Gwyn—continued.

6215. They don't abstain on principle?—No, I don't think so.

6216. Do you think at an average meeting of the Board the proportions would be fairly representative of co-ops and elected members?—At a meeting which excites interest, or at the annual meetings, they would be fairly even. Perhaps the co-op members attending would be rather in the majority. If they all attended they would be in a considerable majority.

6217. You don't believe that there is any conflict between the co-op element and the elected element?—No, I don't think so. I think any difference there may be is between the setting interest and the angling interest.

6218. That is quite natural?—Yes; but not otherwise that I know of.

6219. Now, about trout fishing, is this one of the rivers where trout are large?—I think they run to a very good size. A three or four pound trout is not an uncommon thing to hear of.

6220. There are rivers that are otherwise?—Quite so; the Killybeg river never has big fish. If they are allowed to live here they grow and become large fish.

6221. Is not it the case that at the town of Clomel, for instance, you have an enormous number of people fishing?—I don't actually reside here, but I believe that is so.

6222. What about Celmer?—There is a large number of fishermen there, and very fine trout-fishing. There are quite a number of fishermen there. You see them tramping out and enjoying themselves.

6223. And you think that putting on a trout licence might make more trouble than it would be worth?—It would be very hard to say until it was tried.

Mr. Green.

6224. You see, a man can't become an angler all at once, and little boys could not go and pay half-a-crown?—I agree.

6225. The man has begun as a boy?—I quite follow. You might spend the trout angler's interest in the river.

Dr. Mahaffy.

6226. You might apply the same to shooting or other sports?—I would rather get it in some other way. I would rather put it on the net licences of men who make money out of the river. As a rule, a keen angler has hardly ever been a poacher.

Mr. Calderwood.

6227. You have no assessment?—Not in this voluntary association. There is a ten per cent. rate on valuations, for all fisheries which are rated.

6228. That is the ordinary rate?—Yes, that is one of the main sources of income of the Conservators.

6229. And do you follow the assessment in this association?—No, it is entirely voluntary.

6230. Does the association appropriate the value of beginning at the upper end so as to leave no nets on the upper waters?—I think it would be to the great advantage of the river to take the nets off the fresh water.

6231. To begin at the topmost end and work down?—Although legally, nothing can take place at either end, in practice nothing only begins at the river above Clomel. The fresh-water netting begins at Clomel and goes on down to Coolemanick Weir, just near Clonck-on-Sale.

6232. I think you said you had fifteen snags now?—Yes.

6233. And two fishing weirs?—One fishing weir at Coolemanick, and the other below in the tide.

6234. With regard to the meetings of your Board of Conservators, what might the average attendance be?—Well, the annual meetings are well attended (I mentioned that before), I suppose there might be twenty or thirty members present. These monthly meetings are very poorly attended as a rule.

6235. How many members might attend?—Times or four. Three make a quorum. There is not often a greater attendance than makes a quorum.

6236. Do you think the attendance is sufficient for efficiency?—I don't think we want a big attendance at those meetings. One man who understood the job could do the thing as well as a dozen.

Mr. Calderwood—continued.

6237. On some special occasions you have a large meeting?—Yes. Really the important executive officer is the Inspector who supervises the baillies, and if you have a good Inspector the river will prosper just as if you have a good County Surveyor you will have the roads good. The Committee behind him, as long as they support him, are of no great importance.

6238. How many baillies have you here?—I can't tell you that. Mr. McCormack will tell you.

6239. With regard to those topmost tributaries, where the fish spawn to a large extent, is there a considerable population up there, or anything like the population in the congested parts of Ireland?—No.

Dr. Mahaffy.

6240. In Tipperary and Thurles and about that country?—Yes, twenty or thirty-acre farms.

Mr. Calderwood.

6241. I mean to say that the watching is not such a serious difficulty there as it might be in some other places?—Well, I would not say that. Do you suggest that a large population, all of whom were poachers, would require more watching than a small population?

Yes.

Dr. Mahaffy.

6242. Now, I suppose you know a good deal of the Noct as a fishing river?—Well, I have just seen it. I never fished on it.

6243. They are all agreed that it is the best river in Ireland if properly kept?—So I am told.

6244. Is not the general reputation of this river higher than that of the Noct?—Oh, yes, distinctly, and deservedly so, according to results.

6245. And there are more big fish in it?—It is altogether a bigger river. I think this river has been better handled and more efficiently preserved. The Noct is rather sleekish.

Mr. Justice Ross.

6246. Tell me about the rating. The rating is collected by Mr. Jones, is it not?—Yes.

6247. Separately?—Yes, the ten per cent. rate on the valuation. That is separately rated for fishing purposes.

6248. Of course part of the rate on fisheries goes to the general poor rate, and the ten per cent. is taken by the Conservators. Is that not?—Yes, that is so.

6249. Do you think that rate at all adequate for a fishery?—Witness—The ten per cent.?

6250. No, the rate on the fishery?—Witness—The actual valuation, the valuation that is put on it?

6251. Yes?—Well, I think it is on the low side; but, of course, they have to make some allowance. If you are to put it by the cent you would get for the fishery, which is really the best test, and then if you allow for expenses of water baillies for efficient preservation, I think on the whole the valuation is fair.

Dr. Mahaffy.

6252. You know one man might have on his water three or four good stands, and another man might have none?—That is quite so. It is a difficult property to value. You have to make inquiries as to what sport a certain stream affords.

Mr. Green.

6253. Do you know how many fisheries are valued?—Mr. Jones can tell you that. With regard to the netting there is only one point I want to get in. Now, there are 15 snags now in 11 miles of the water, and the average width of the water there is 45 yards, and the fishing in it is only about one-third of that, so that the nets can concentrate their full attention on about a 15 yards' space, and it is really wonderful that so many fish go up in there do. Our only chance at present is the 48 hours' weekly close time being observed.

6254. But those nets fish at night?—It is illegal to fish at night in fresh water.

6255. But as a matter of fact?—They do, I believe. Mr. McCormack will tell you he got convictions for it.

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MR. WILLIAM ROCKFORD, D.L.—continued.

[CROSS-EX.]

Dr. Mahaffy.

6256. We found that some fish are able to go up the Nore though you would think it was quite impossible?—They are able to.

6257. Mr. Jones.—Would you be in favour of restricting the trout-fishing to the time the fry are out at sea?—Theoretically I would, but it would be very hard to stop them.

MR. EDWARD MCCORMACK, examined.

Mr. Justice Ross.

6258. You have been Inspector to the Board of Commissioners for a considerable length of time?—Sixteen years, my lord.

6259. What experience had you in fishing before that time?—I had considerable experience, my lord, because I was a Head-Constable in the police. I was a Head-Constable serving time. In all I was eighteen years a Head-Constable before I was appointed.

6260. And of course in the discharge of your duties as Head-Constable you would have a good deal to do with the preservation of the fishing?—Yes, my lord.

6261. Tell us how many men you have under you at the present time?—In the winter time, my lord, if you take the main river and its tributaries, I have twenty-seven—about twenty-seven.

6262. And are you able to give them continuous employment?—From the end of October to the 1st of February, my lord. That is what we call the winter men.

6263. And how are they paid?—Some of them are paid £1s. a week, my lord, or £2s a month. Most of them are paid 12s. 6d. It is according to the locality where you can get the labour, and the class of a man you get.

6264. And I suppose that is a very great difficulty?—It is very hard to get a good man.

6265. To get reliable men?—Yes, no matter what wages you give them.

6266. And sometimes when you have got them apparently reliable, if they catch any of their friends they won't prosecute them and sue them?—Well, my lord, I don't find that difficulty, because I never appoint a man unless I go to the local police and ask them about his character, and when they recommend him to me they generally have an eye after him.

6267. So that on the whole you seem to be really fairly satisfied with the men you have got?—I am, my lord, but I haven't a sufficient number, because my position where I have to protect certain portions of five counties, going to Strathallan and Dungarvan and Kilmacoge and up to Mullinahill, and all that way.

6268. How many would be required?—I would require double the number to do the work efficiently.

6269. Are you of opinion that the principal mischief is done about the spawning beds, the places where the minnow spawn, or do you think it is caused by poaching down the river?—Well, my lord, as far as where the salmon go up to spawn, they go up to the Galtee Mountains. I get them up in the Galtee Mountains, and I get them in small streams that would not be their breadth (Witness indicates breadth of streams with his hands). The spawning fish run up there, and you will get them in the small streams.

6270. And I suppose they are often gaffed?—Well, I regret to say they are, my lord, and by people who might be expected to know better.

6271. They don't seem to know the value of them?—No, my lord.

6272. Do you think that if they thought that a 10-lb. salmon would have 20,000 eggs, or anything of that kind, and that it was a terrible loss to the country, that would have any effect on them?—I don't think it would, my lord, because I prosecuted numbers of them, and they were indicted with the highest penalty, and I have reasoned with them, and they said: "If they go away from us we will never see them again", and then I pointed out to them the number of families that would be depending on them for a living, and they said: "Oh, let them look out for themselves."

Dr. Mahaffy.

6273. Do they eat those fish?—Yes.

Mr. Justice Ross.

6274. Do they eat them?—They eat them.

6275. I suppose they don't export them?—Oh, no, they are very common of that.

6276. You think that is the root of the evil?—I don't say that, my lord.

6277. What do you think is the root of the evil?—I say the poaching in the fresh water and portion of the tide.

6278. Where does the poaching begin?—The organised poaching commences at Carrick-on-Suir.

6279. Now tell us about the organised poaching?—Well, they are nearly all of the fishing class that live about Carrick-on-Suir and Carrickbeg, and they are all professional fishermen and poachers.

6280. They know all about it?—They know everything about it. Well, there are fifteen "clews" of these from here to Carrick, and they can fish from six o'clock in the morning to eight o'clock at night the whole week up to Friday night. After that time the weekly close season comes in, and they can't fish from eight o'clock on Friday evening till six o'clock on Monday morning, my lord, and there is organised poaching goes on, on the fresh water, during that time.

6281. During the weekly close time?—Oh, yes.

6282. They don't observe it?—They don't observe it.

6283. Now, are those people licensed?—They are licensed.

6284. They take out licences?—Yes.

6285. And notwithstanding that they go and poach in the week-end close time?—They do, my lord.

6286. What would you think of a suggestion that any man that was caught systematically doing that should have his licence taken away altogether?—Then you would have no fishermen at all, my lord, because they all do it.

Dr. Mahaffy.

6287. That might be a very good thing?—At present if a man that was convicted forty times comes in and pays his thirty shillings you must give him a licence.

Mr. Justice Ross.

6288. As the law stands at present?—As the law stands at present, but that would be an excellent thing.

6289. They would be afraid?—They would be afraid. It would be a great check to them.

6290. That is the principal mischief, you think?—Yes.

6291. The continued poaching there?—Yes.

6292. How many men altogether do you think are engaged in that?—I think the fifteen nets in the fresh water. They are all, properly speaking, engaged in it. They have a rule, my lord, I understand, that they take their turn at it.

Dr. Mahaffy.

6293. Poaching?—Yes.

6294. And then there would be more than sixty men if you mean that the whole of the cois take their turn at poaching?—The cois take their turn at poaching.

Mr. Justice Ross.

6295. Do you think Dr. Mahaffy's estimate of sixty men would be the number engaged in it, or would there be more?—Oh, they might arrange between themselves, my lord, and they would say a "clear" will go out to-night. This is Saturday, and there will be two "clews", and then there will have their turn of poaching, and then two "clews" more will go out on Sunday night. They would pull down to Carrick. And in that way I would not say that there would be sixty engaged.

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MR. EDWARD MCCORMACK—continued.

[Continued.]

Mr. Gwynn.

6297. How many licensed fishermen would there be engaged altogether?—There are four fishermen in each "dune."

6298. But licensed fishermen altogether?—One man takes out the licence.

6299. Would there be sixty men living by it?—There would.

Mr. Justice Ross.

6300. About that?—About that.

6301. There would not be more?—No.

Dr. Mahaffy.

6302. Can't you watchers watch the river during that time, at night?—We do, and I have repeated convictions, and it is no good.

Mr. Justice Ross.

6303. Why?—I will tell you why. A certain number of magistrates come there and they convict them because they are bound to convict them by the force of evidence, and then the moment they convict them (it is a fixed penalty they put on), and before they leave the Bench, they recommend that these men will be reduced to 5s. each; and it is a loss on the Bench for every prosecution they have.

6304. And then petitions are sent up to the Castle to have the fines reduced, and they will be very frequently granted?—They are, as a general rule, on the recommendation of the magistrates.

6305. And the magistrates sign the petition themselves?—Themselves, my lord, before they leave the Bench.

Dr. Mahaffy.

6306. Have the magistrates no interest in the river?—Very few.

6307. They have no interest in the river?—No; they come in from the country. Very few of them have an interest in the river.

Mr. Justice Ross.

6308. And there is practically no penalty on the poachers at all, and every time you prosecute, you prosecute at a loss?—At a loss.

Dr. Mahaffy.

6309. Are there no magistrates living on the river?—Very few.

6310. How is that?—There are very few that live on it that have any real interest. There are one or two, that is all.

Mr. Green.

6311. There is great difficulty in catching these poachers on account of the watchers they keep?—Of course there is. It is very hard to catch them, because if the hounds accrete themselves at Ballyduffy (that is where they go to pull down to Carrick), and if a baiter was seen on the river (I or any other man) there is a match struck, and that light is carried till it goes down to Carrick, and that is to warn them.

Dr. Mahaffy.

6312. What would you say to having the nets numbered and having a fixed place for the nets to be kept so that if one was absent it would be known?—If we had that we would be well able to cope with them, but they now can put them any place they like all along the river.

6313. Would you be in favour of having a number on?—They have a number on.

6314. You would be in favour of having a fixed place where they would be kept?—Yes, to have depots where they were kept.

Mr. Justice Ross.

6315. Suppose they were put in on Friday night and not allowed to be taken out till Monday morning, would that suit?—That is absolutely what is wanted.

Mr. Gwynn.

6316. But supposing a man wanted to get a ferry across the river in a net?—If he asked the person in charge of it I am sure there would be no objection to his going across.

Mr. Justice Ross.

6317. The net would not be sufficient to keep without keeping the cat?—Oh, no; they have dozens of nets.

Dr. Mahaffy.

6318. And the men crossing the river would know you had the number of the cat?—Yes.

Mr. Justice Ross.

6319. Can you tell me what these men make in a good year?—I haven't an idea of it, but they seem to live fairly well too. On the fresh water, my lord, there are only two months of the year that they really get a living out of, that is the month of February, and, if the waters keep up, during the month of March.

6320. And then you think it is not their regular mode of living?—No; the most of them from here to Carrick go working. There are some of them small farmers, and there are more of them doing labouring work and cutting timber.

6321. They all have other business?—Yes.

6322. And I suppose there are some of them tradesmen, bootmakers from the town?—Well, very few.

Mr. Green.

6323. Doesn't the money they make out of these two months help to keep them on during the year, or do they spend it all?—I don't like to say that much of it sticks to them.

6324. They have not much of it left after the two months?—No, nor if they were allowed to go out and kill all the fish that are in the river, they wouldn't be twopenny the better of it in all the twelve months.

Mr. Gwynn.

6325. I suppose they might make £10 a man?—Oh, they might make £10 in a week. They often do. That is in the month of February.

6326. Taking the average of the year, what do you suppose the job is worth?—There are some months they get nothing and the water is too low and they can't fish. The Suir is a very peculiar river in this way. When the water runs down there they can only fish where the bays or baulks go, because they must follow the course where the boats go, and in that way when the water runs down they can't fish. There is never a fish goes up past Clonmel because they catch them all. I have measured the river in several places between this and Carrick-on-Suir. Take it on the average, it is 60 yards, and not more than 35 yards of that can be fished, where these baulks go, and there is nothing to prevent them in point of low having snap lines what length they like, but they never have them more than from 9 to 10 yards because they couldn't fish with them.

Dr. Mahaffy.

6327. The average fish of this river is very big?—Yes; there are a good many. I have seen them up to 40lbs. and 50lbs.

6328. And a great many over 30lbs.?—Yes.

Mr. Calderwood.

6329. You say you have 50 men in the winter time?—Yes.

6330. How many in the summer time?—Between the help that Mr. Rochford gives me and special men, I have 12 at present.

6331. And you have to contend against this kind of poaching that you have spoken of with 12 men only?—Yes; the funds are not sufficient. Only for the help that Mr. Rochford gives we could not do it.

Mr. Justice Ross.

6332. Do the fishermen in the fish-ways observe the close time?—They observe no time, my lord, neither close time nor any other time. I went down there on Saturday night, the 24th of May, and I had five men and myself, and we had only a punt boat, a four-oared boat, and we had to contend with great difficulties, and the first thing I met when I went down about a mile

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Mr. EDWARD MCCORMACK—continued.

[Continued.]

Mr. Justice Ross—continued.

below Waterford, and they are not supposed to fish up past Cheek Point, we captured a man and his two sons, and he had a drift net 73 yards long and 6 fathoms deep, and we went down a mile farther—

6333. This was actually in the river?—In the river Bar, during the weekly close time. We went down further then, my lord, and we tackled another one fishing during the weekly close time and above the line also, and we got hold of one end of the net and they had a hold of the other, and there was a large steamer coming up past Cheek Point and we had to cut the net in the centre to save ourselves as we would be swamped by the steamer, and they took away one-half of the net when we took the other, and as soon as the steamer passed we took up the chase again, and we recaptured the other part of the net, and it was 176 fathoms. Then we went down to Cheek Point, my lord, and above the line again we came across another net, 176 yards there too, and they got into Snow Hill Wood and escaped from us, but we captured that net.

Mr. Green.

6334. In one night?—One night.

Mr. Calderwood.

6335. Those were drift nets?—Drift nets.

Dr. McKeefy.

6336. Drift nets do more harm than any poaching at the head waters?—Oh, much. We went up the Barrow then, my lord, and I went away some of the haffits and we got a second boat, and before we went up the Barrow five miles I had five nets more, what they call stake nets.

Mr. Justice Ross.

6337. That means they fix it at one end to some thing?—Yes, my lord, they were tied in and they were what they call stake nets, and they averaged about 17 fathoms each.

6338. Was there anybody with them?—No.

Dr. McKeefy.

6339. You took all those nets away with you?—I took them all away, confiscated them.

Mr. Justice Ross.

6340. How often in the year do you make a raid like that?—I made two or three since, but I had nothing only a four-oared boat, and it is a danger to your life to go down, because there are large steamers plying there and you might be swamped very easily, and there were some of the men that came with me that refused to come again.

Dr. McKeefy.

6341. And what would you require?—A motor boat.

Mr. Calderwood.

6342. Do you mean that a row-boat can't pass a steamer in the tide?—If you were engaged in hauling a 176 fathom net with the other fellows hauling at the other side and a steamer comes up on you, you are swamped at once.

6343. But how would having a motor boat facilitate you?—With a motor boat you have the power, and you can make away out of the way of the steamer. I would have it, because I would run into them if I had a motor boat. And in addition to that, with a four-oared boat you are right under them, because with those praws that they have with them fishing down there they are nearly three feet over you, and they can knock your boat out with oar or paddle. You have no power, properly speaking, over them.

Mr. Justice Ross.

6344. A four-oared boat is not properly equipped for that?—No.

6345. Tell me when had you been there before down the estuary or tide-way?—Well, my lord, I could not give you the date.

6346. Would it average once a year or twice a year?—Oh, it would average twice or three times a year.

6347. But that is all?—That is all.

Mr. Justice Ross—continued.

6348. And of course that is not sufficient?—No; if I wanted to do it efficiently I would want to be there twice in the week.

Dr. McKeefy.

6349. What were those nets worth? What did it cost them when you took the nets?—Between the licence and the net the value they would put on it is £20.

6350. So that the net would be £16 or £17 worth?—Yes; and that man that I prosecuted for that, himself and his two sons, the magistrate had to convict them under the by-law on the penalty.

6351. What did they fine them?—They fined them £5 for fishing above the line, and then £10, the fixed penalty for fishing during the weekly close time; but before they left the Bench they recommended that the whole blessed thing should be reduced to 5s.

6352. Did he get his net back?—No, he lost his net.

6353. And that was all that he did lose?—Yes, that was all.

6354. The £16 had been turned into a 5s. fine?—Yes.

6355. You say those magistrates came from the interior?—Yes.

6356. Mr. Jones—That case has not yet come before the Privy Council. The Council has sent to the conservators here questions to be answered.

Mr. Green.

6357. That is the man that was a light-house keeper?—He was at one time.

Mr. Justice Ross.

6358. Now, we understand from you what is the state of this river, that you have not enough of men and that you have an unsuitable boat for looking after the water where it is affected by the tide?—That is quite right.

6359. We have made a suggestion to you of which you approve, about getting the whole of the boats on the fresh water and keeping them from Friday night till Monday morning. Is there any other suggestion that has occurred to you as a practical man, that you can put before us?—Well, what I would like to put before you finally, my lord, is this, that as long as you have got the 11 miles of fresh water from here to Carrick, within a mile and a half of Carrick, and as long as you have 13 snipe men on that fishing all the week round, it is impossible to get a stock of fish to the upper reaches, quite impossible, because I will tell you, my lord, there is a thing called the row bridge at Carrick, and then there is an old bridge. It is a low old bridge that is there and the fishermen assemble on that all along, and they sit there; and when the tide comes up, except when there is a very dirty spring tide, they sit there, and there is not a fish that comes up that they don't catch and they will send their cots five miles up and then they will pull down, and except a fish was wild he couldn't get out of it.

Mr. Calderwood.

6360. They know the number that has gone ahead?—They know the number that has gone ahead. Coolamuck weir is open then and of course they would go up.

Mr. Justice Ross.

6361. Have you anything else to say?—Yes, my lord. A great deal of land is purchased recently from Bilsdon to Carrick, and Lord Waterford reserves the right of the fishery to himself, but if he does he gives it to the tenants on the bank to do what they like with it, and then they let those people fish. Some of them get a few pounds. More of them get nothing at all, my lord.

6362. Do you think there would be any possibility of getting those tenant purchasers who have bought out to combine and to make a profitable use of it?—They would if the netting was stopped, my lord; they would all combine, because every year from October I have letters from every part of the United Kingdom asking me if I could get them a small bit of fishing at any place on the Bar, and those farmers that have purchased, if the netting was stopped on the fresh water,

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[CROSSER.]

Mr. Justice Ross—continued.

would be able to let it out to people and get a good rent for it.

6365. As a matter of fact they have let it?—They have.

6366. Lord Waterford allows them to do as they like?—Yes.

6367. And I suppose Lord Waterford would not object to their letting it to an angler, say two or three anglers combining to let to an angler?—Oh, no, my lord.

6368. Are there some good stands there?—Very good stands there, my lord.

6369. And there has been considerable land purchase there?—Yes.

6370. Is there any landlord who has not reserved any fishing at all?—Oh, there are, my lord. Mr. Congreve has not reserved the fishing, and has tenants fish.

6371. What tenants has he got?—About three or four, my lord.

6372. You say that his tenants have got the rights?—Oh, yes.

6373. Are they on one bank of the river?—On the County Waterford side, the south side.

6374. Who is on the other side?—Lord Clonmel is on the other side, but the fishing on the other side is not good, my lord, but, as a matter of fact, they give liberty to everyone to fish. They make no reservation whatever.

Dr. McHaffy.

6375. But then it is not worth much?—No.

Mr. Justice Ross.

6376. That is on Lord Clonmel's side, but what about the fishing on the tenants' side?—Yes, that is the County Waterford.

6377. It is very good fishing?—Yes, and some of them get £5 for the fishing.

6378. Have they begun to appreciate the value of it?—Well, one or two, my lord, but the rest don't take very much interest.

6379. At the same time, if there was some leading man like the parish priest, or somebody, perhaps, he would be able to get them to look after it?—Well, it is such a tenacious question that priests, because there are so many elements of interest in it, don't like to interfere.

6380. There is always the angler on the one side and the cot man on the other?—Yes.

Mr. Colderwood.

6381. The fishing is let as low as you describe?—Yes.

Mr. Green.

6382. They get £5 for it?—Some of them.

6383. And that in spite of the fact that there are cot men working on the same water?—No.

6384. There are no cot men on the south side?—Yes.

Mr. Colderwood.

6385. From where do the cot men get leave to fish?—From County Delapoor. And there is a lady here below that has two mills, and she gets something every year from the cot men fishing it.

Mr. Justice Ross.

6386. Do you know how much is paid?—Personally I haven't a knowledge, except that our fishermen will tell you they pay £8 a year, and another will tell you they pay £6, and so on, but beyond that I have no knowledge.

Mr. J. J. O'SHEA, M.P., examined.

Mr. Justice Ross.

6387. You are member of Parliament for this division?—Not this division, but West Waterford.

6388. You live here?—I do.

6389. You are acquainted with the river yourself?—Yes, but I am an angler.

6390. I am aware, from other sources, that you have been a collector in charge of large land sales?—Yes.

Mr. Colderwood.

6391. There are fifteen snap sets there. Have they all of them got leave from somebody or other?—Oh, yes.

Mr. Justice Ross.

6392. But it is only a yearly licence?—For the year, my lord.

6393. So that it could be stopped at any moment?—At any moment.

Mr. Colderwood.

6394. Do any of them get leave from those tenant purchasers?—They do get it, because I instruct the men under me to demand their authority from them for fishing in the place, and then they generally produce it, and if they have a presentation in any particular place they go and get it from him.

6395. Mr. Jones?—The land is owned by tenant purchasers and the water is fished by cot men?—All fish.

6396. And the cot men pay the tenant purchasers for that?—Some of them do. There are one or two cases where they pay, and the rest are content if they get a fish or two at the end of the season from them. That is the way it is worked.

Mr. Green.

6397. What is the business of this tenant-purchaser business that you are speaking of—is it done between this and Carrick?—Yes.

6398. Do you know the river all the way up?—I do.

6399. And that is the particular place where the demesne are, between this and Carrick. There is some fishing beyond Carrick, too?—Oh, yes, there is, very good fishing till you get beyond Ardmayle.

6400. There is no netting?—There is no netting, except the Charles poachers come there occasionally.

6401. Is any angling being let up there?—Oh, yes, there are some stands let up there.

6402. Let by tenant purchasers?—No.

Dr. McHaffy.

6403. Any poisoning in this river?—Oh, no, never. We have no trouble with poisoning at all.

6404. Mr. Jones?—In your opinion, as the fishery fine imposed for fishery offences now, no matter how large, is any deterrent to a poacher?—No.

6405. Are the fines subscribed to?—They are, as a rule. The law goes round the towns and villages of the country, and they make up the fine for them; but they would very soon get tired of that. I know in one instance where that penalty was extensively prevalent the penalty was paid by subscription, and then when the penalty was enforced they didn't subscribe, and refused to repeat the dose again.

Mr. Justice Ross.

6406. Do you think it advisable that there should be some actual effect given to the conviction, and that on a second or subsequent conviction the penalty should be imprisonment, without the option of a fine?—I don't like to give an opinion. I think money touches him worse than anything, and there is a certain time of year when he would rather be in goal.

6407. Don't you think that in the spring, in the height of the fishing, it would be more deterrent than any fine?—Of course, that is what I say. In the spring time when the fishing is good, no matter what the fine is, he would pay it.

6408. And do you think that it would be advisable that the conviction should be endorsed on the licence?—An excellent thing.

6409. And afterwards the licence forfeited?—But then you would have no fisherman at all.

Mr. Justice Ross—continued.

6410. Well, there has been a good deal of land purchased on the river?—Oh, yes; except Count Delapoor's both banks of the river have been sold between here and Carrick-on-Shannon.

6411. He has not sold?—He has not sold.

6412. Has he a tenant on the land?—He has.

6413. And there is a good deal of this river that flows through demesnes?—Not from here to Carrick.

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Mr. J. J. O'Shea, M.P.—continued.

[Continued.]

Mr. Justice Ross—continued.

Very few demerits. Just near Channel there are some small demerits.

6412. In most of these cases I suppose the fishing rights have been reserved?—Mr. Congreve, as Mr. McCormack mentioned, and Lord Channel and others have not reserved the fishing rights. The Duchess of St. Albans's son, Mrs. Pomer has, and Lord Waterford has, but Lord Waterford, as Mr. McCormack told you, gives the tenants the right to do what they like with the fish.

Dr. Mahaffy.

6413. Leave?—Leave, rather.

Mr. Justice Ross.

6414. Do the tenants who purchased with the fishing rights seem to appreciate the value of the fishing rights?—I think they are much more interested in that now than they were before they bought.

6415. They are beginning now to understand the value of these rights?—Yes, I think so. I think they are inclined to endeavor to preserve the fishing.

6416. Do you think there is any inducement affecting them apart from their own private interests, such as the fact of its being an asset of the country?—No, not at present. I think that does not affect them very much. Public opinion is in a very confused state on this question of the fisheries. There was always an antagonism between the angling interests and the selling interests.

6417. Having regard to the perpetual antagonism that goes on as long as netting is permitted in fresh water, is there any suggestion that you would make as to the nature of the governing body?—I am rather inclined to agree with Mr. Boddart that there ought to be a strong central body. That would be more likely to gauge public opinion than the present Board.

6418. I suppose if netting in the fresh water of rivers could be abolished altogether (of course, preserving that that would increase a national asset enormously), that would be very useful. Do you think as a practical man, knowing the people, that there would be immense difficulty in that?—There would. It is very hard to suggest that these cot men who have been on the river all their lives should clear off. It might be possible to get them to do it by providing compensation or giving a gratuity.

6419. You see you can compensate a person for a specific right; but when it comes to a general privilege, not to say right, in the public, you cannot compensate them except in some indirect way?—But it would be possible to take fishermen who had taken out licenses on a particular date antecedent to the proposal and to compensate these men as the only men that are using the fishery.

Mr. Green.

6420. And then to prohibit?—And then to prohibit.

Dr. Mahaffy.

6421. But haven't they all to get leave of the riparian owner?—Yes.

6422. And in pay rent for it?—Yes.

6423. And then it is not a right?—Not a legal right.

Mr. Justice Ross.

6424. Although it is not a legal right as the law stands, we all know that an owner of possession as worth a ton of compulsion. You have to depart from legal rights and deal with customs and usages?—It is in that light that I make the suggestion.

6425. How many men do you think there would be who have taken out licenses during a period, say, of five years?—I think the average would be what Mr. McCormack says, fifteen "cleans" from here to Carrick-on-Shannon, these fifteen "cleans" not including from Carrickagee.

6426. I understand that would be about sixty people altogether who fish?—Who fish on the fresh water.

6427. The fishing on the tidal water is a different story?—The four in Carrickagee, who are on the tidal portion of the river, come up from there to where the fresh water begins at Coismuck weir.

6428. You heard what the inspector said about the money that they made by this cot fishing?—Yes.

Mr. Justice Ross—continued.

6429. The general experience, so far as I know with regard to money made by poaching (and most of the clergy seem to take that view of it), is that it usually goes in frivolity?—Yes.

6430. Is that so?—I should say that, apart from the money they make by poaching, these men who poach make their ordinary earnings as fishermen during the annual open time. It is a very precarious livelihood, and of course fishing is always more or less a gamble for these men, or to some extent a gamble, and money got in gambling is always used unwisely.

6431. Do you know gambling is always an intense excitement?—It is. In Carrick-on-Shannon nearly all the fishermen who take out licenses are professional fishermen. They regard any other occupation as extra, and they look on fishing as their real occupation.

6432. Then they must fill up the larger part of the year?—Five and a-half months, from the 15th of August to the 1st of February. During the five and a-half months they get a great deal of credit from shopkeepers, which they have to pay back during the six and a-half months that they fish.

6433. They dispose of those fish to the shopkeepers, and the shopkeepers give them credit in the bad times?—During the usual close time they get some credit, and considerable credit in some cases, and of course they get employment also as labourers and so on, and sometimes they work on the railways. For instance, the Great Southern and Western went out to Padstow and got twenty-five men immediately after the close season began, to do special works on the railway. He was able to get them, because they had just ceased fishing, and he gave them employment for three or four weeks, perhaps, on those special works, and another job may then turn up.

6434. Then as far as this river is concerned it does not seem to me that the tenant purchasers are a real difficulty. They are a respectable class and an intelligent class, and it would possibly be easy to get them to combine?—As regards giving up the fishing rights to the tenants, it is very much a fog for a landlord, when he is selling, to give the fishing rights where they are valuable. In the case of Lord Channel and of Mr. Congreve, they live far away from the river. Mr. Congreve lives near Waterford. He lives 10 or 12 miles from this estate which he holds up here, and the fishing was of no interest to him there.

Dr. Mahaffy.

6435. He hadn't the public spirit to take care of it. At all events the river might be improved?—I don't think he found that he was bound to do that.

Mr. Justice Ross.

6436. But as far as the tenants are concerned I don't think that they make much of a point of it, or that they care much about it?—They seem to be more interested in the shooting rights on the land than in the fishing rights on the water; but in those places where the fishing rights are valuable, from Channel up, the tenants have been anxious to get the fishing rights. On the Donaghmore estate one of the tenants would not buy, when all the others were buying, because he could not get the fishing rights, but eventually he gave way and bought his farm. Lord Donaghmore would not give the fishing rights to him. But so far as the main river is concerned, except in those two instances of Lord Channel and Mr. Congreve, all the landlords have reserved the fishing rights and the tenants have no interest in the fishing any more than before they purchased.

6437. Then the real difficulty we have to deal with is the cot men?—The real difficulty you have is that if you want to get more funds to preserve this fishery better you must not merely ask for an increase of the licenses of the fishermen. If you get an increase of the licenses from them you must also ask for an increased rating of the proprietors of the several fisheries.

Mr. Green.

6438. The 10 per cent.?—An increase in that way (I think a considerable increase) would be necessary.

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Mr. J. J. O'SHEA, M.P.—continued.

[Continued.]

Mr. Justice Ross.

6439. Don't you think that there should be a valuation?—A valuation is necessary.

6440. Because if the fishermen are going to be improved the valuation should be raised?—Yes.

6441. And do you think there would be much opposition to an increase of the percentage?—Well, of course that is a matter for the riparian owners, and I really don't know what view they take of it, and I gather from Mr. Rochlin's evidence that he would not object. He has taken a great interest in the fishing of this river.

6442. But as regards the County Council, and the county generally?—I don't think there would be any objection. But there is this difficulty always, that once you start to apply public funds to the development of these rivers you are conferring a great benefit on the riparian owners, and I will give you an instance with respect to the Duke of Devonshire on the Blackwater. In the case of the Duke of Devonshire, he owns not merely that portion of the river which is non-tidal, where his land is, but he owns under an old charter the bed and soil of the Blackwater in the tidal way, and the fishermen in the tidal part of the Blackwater have to get his permission to fish and he gets a rent from these people. Well, the Department of Agriculture have spent a considerable sum of money in setting up a hatchery (a most desirable thing) in Lismore, but whatever benefit results to the river Blackwater from the establishment of the hatchery, a large proportion of that benefit at least will go to the Duke of Devonshire. Of course if the salmon fishing becomes much better than it is, he will naturally ask for a larger rent than he now gets from those fishermen in the tidal way. He does not change very much—£7 or £10 on the tidal way. He has never altered it, I think. They don't complain very much of that, but I am taking this case as an instance. Suppose the Department or any other public body spent a considerable sum of money, though the Duke as an individual may not take advantage of his position, still the principle applies all round that where you spend public funds for the improvement of a river the benefit resulting from that expenditure of public funds goes into the pockets of private individuals, the riparian owners. Suppose the Board to get an annual income from public funds of £500 a year in addition to the funds which they have. A gross proportion of the benefit of that expenditure goes into the pockets of the riparian owners, from Colonsmeek weir up. That is why all the landlords who have sold their land along the river have reserved the fishing rights to themselves except in those two instances that I mentioned. And fishermen would naturally say the reason of the antagonism between not fishermen and anglers is that the fishermen hold to the principle that the fish are there for everybody, and that they ought to have a right to catch those fish by which they make their living, and they say that to the riparian owner, the better-off man, it is merely apart to him while it is a matter of livelihood for them; and they look at it from that point of view, and unless some increase of the sacrifice demanded from the riparian owner is made at the same time that you ask for an increase of the licence duty of the men, I would have the strongest possible objection on the part of those fishermen to an increase of the licence duty.

6443. They would be satisfied if the riparian owners would have to pay something else?—Yes.

6444. In what form do you propose to put the increase on the riparian owner—would you give a power of valuation?—Yes; in the case of the Duke of Devonshire's weir, for instance, the Department of Agriculture have published a return for a period of 25 years of the annual catch at the weir at Lismore. Some portion of the same kind ought to be required from riparian owners.

Mr. Colonsmeek.

6445. The riparian owner breeds fish, and our has to remember that?—I cannot see that he is a breeder of fish.

Mr. Justice Ross.

6446. Does he supply ovs to the fishery?—The Duke of Devonshire, I am sure, has had to spend a considerable sum of money himself on that hatchery in addition to what the Government provided; but I am speaking now of the ordinary riparian owner on the main

Mr. Justice Ross—continued.

stream of the Suir. How can it be said that he breeds fish? He has no hatchery, and the fish go up the tributaries. He has no land on the tributaries Nore or Tar. His land is on the main stream. How could it be considered that he breeds fish? The fish go up to spawn on the Nore or the Tar.

Mr. Colonsmeek.

6447. There must be somebody up there?—No riparian owner who gets any benefit, because the fish only spawn there.

6448. Yes?—But the riparian owner in many cases does nothing.

Mr. Justice Ross.

6449. Besides, the man on whose land the fish spawn gets no benefit at all?—It is the man lower down who is benefited.

Mr. Colonsmeek.

6450. If, for instance, you were going to raise the licence on the net men, I take it that the licence would be raised all round. I take it that at the present time the whole of the licence are at the legal maximum, and I presume that what you would suggest would be that power should be given to have a higher maximum to which it might or might not be put up?—Yes, that would be a better way.

6451. And I take it that that would apply to all forms of licence so as to increase the licence not only of the cotmen and angler, but also of the weir owner, who I think is an under-licensed man at the present time?—Yes, I should think the weir owner is the most under-licensed.

6452. Wouldn't that make a fair sort of distribution?—It has been suggested here that the licences should be increased, and that referred principally, I understand, to net fishermen; and what I say is that if you propose anything like that you must also at the same time demand a greater sacrifice from the riparian owners, in order to carry public opinion with you.

Mr. Green.

6453. There is this to be said about the man who has a weir. He is rated for the poor rate and he is also rated at the 10 per cent. rate for the conservators. The Duke of Devonshire pays a great many hundreds a year in rates on the Lismore fishery, and that though he does not pay high licence he pays a great deal in the public funds out of his fishery. I know of one special weir valued at £200 a year and the rates come to £50 a year on it, and 10 per cent. of course is charged on it by the Board; so that though the licence may seem small the owner is paying a good deal to the public funds while the net man does not pay at all; so that there is a sort of equality?—Yes; all these matters have to be inquired into.

Dr. McShaffy.

6454. Another matter is that it is a trade or business to the net man while it is only sport to the red fisher?—But that is not quite an allegation, because cod-fishing may be made to support a good many of the poor class, and possibly as many as the net fishing would. That is not my own view, but I am putting to you the view of others.

Mr. Justice Ross.

6455. There is to be an account on both sides?—Yes.

Dr. McShaffy.

6456. Are you a magistrate?—No.

6457. You have heard what was stated about them, that when fines were put on the magistrates themselves in court proposed that they should be remitted?—Yes. Well, I think Mr. McCormack somewhat exaggerated, naturally, from his position; but it has happened very often that fines have been reduced, perhaps, when they ought not to be reduced. But there are many cases in which there is a fixed penalty of £10, and in which it would be most unreasonable to reduce it. There may have been cases in which when a £10 penalty was imposed it ought not to be reduced to £5; but there are many cases that arise in which it is fair to give a reduction. I have not defended any fishermen for a great number of years. The last time I was at a fishery inquiry was twelve

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Mr. J. J. O'SHEA, M.P.—continued.

[CLOSING.]

Dr. Mahaffy—continued.

years ago, and I appeared on behalf of fishermen and admitted that poaching should be put down, and on that occasion we gave most remarkable evidence as to the use that was made of spawning salmon down towards Waterford. It was a sworn inquiry, and we produced a witness and got an indemnity at the time, and the witness we produced admitted that he himself had fed salmon to pigs in large quantities down there.

Dr. Mahaffy.

6458. Are there spawning salmon down there?—Well, about salmon I should say. I remember the man's name, a Mr. Nolan, of Mooncoin. He gave the evidence in reply to me.

Mr. Calderwood.

6459. What do you think of the proposal that a man's license should be cancelled if he was caught poaching?—I am afraid it would put an end to the fishing by netmen if it was retrospective.

6460. Don't you think that it would be most effective?—Yes, and if so, I think it would be a very good thing.

6461. After giving them notice?—Yes, because there is a public opinion amongst the fishermen themselves in favour of preventing poaching; and I will tell you how they look at it. One man goes out. The next man thinks that he ought to go out, too, and have his chance, and they would be very glad, I think, themselves, even though they poach themselves regularly, if some means could be found for preventing it effectively.

Dr. Mahaffy.

6462. Would you propose to endorse the conviction on the license?—I am entirely in favour of that, and I think the fishermen themselves would be entirely in favour of it, but I think the chief point in order to secure a public opinion that would be favourable to the preservation of the fish not merely on the main stream but on the tributaries, which is very important, and where the people living on the banks are not interested at all—the chief thing to do would be to endeavour to arrive at a drastic reconstruction. You must have a drastic change in the present arrangements.

Mr. Justice Ross.

6463. As regards the spawning?—As regards the spawning, and in other ways; and I think the fishermen would support what Mr. MacDonagh has suggested, if it could be done, if it was workable (it is very hard to see that it would be workable), that is with respect to keeping the cois during the weekly close time, if it spoiled all round; because their great difficulty is that if some of them go poaching the others are losing their chance.

6464. Do you see any way of making it profitable to the people up on the spawning streams to protect the fish?—It is very unfair, perhaps, to say that they kill fish going up to spawn wholesale. They sometimes do it for the mere fun of the thing—through thoughtlessness.

6465. You could not devise any means of making them profit by protecting the fish?—No, it is not easy. You must try to secure a more favourable public opinion.

Mr. Calderwood.

6466. Could you imagine any expression of opinion from among the men whose livelihood is dependent on

Mr. Calderwood—continued.

the existing supply of fish?—I am quite sure I could, because my appealing for them 12 years ago at that inquiry was a result of their opposition; and what we asked at the time was that stronger measures should be taken to prevent poaching. I was instructed by those very poachers themselves.

6467. Would that be a useful way to effect it?—It would be a ready way to go about it. I think you must approach the fishermen first of all, and find out how they look at it. If this whole question of the preservation of the fish is approached in a thorough spirit and the fishermen are told that something effective will be done to prevent poaching and something effective will be done to require a greater sacrifice from the riparian owners (and you must combine both propositions), I think the fishermen would be likely to favour it.

6468. Mr. Justice—With regard to your excellent suggestion that a strong central body should take the place of the Board of Conservators?—I did not say "take the place."

6469. Would you advocate some local advisory body to act with them?—Yes; some such body as, but constituted differently from the present Boards of Conservators. It is only magistrates who have riparian rights that are now put on those Boards, but the great majority of the tenant purchasers wherever the farmers acquire the sporting and fishing rights are not magistrates and they will have no representation on the Boards as they are at present constituted. I think it is necessary that there should be a change in the constitution of the Boards of Conservators.

Mr. Justice Ross.

6470. What do you suggest?—I am not ready to make any suggestion, but I think those Boards ought to be put on a more popular basis.

Mr. Green.

6471. Do you think the purchasing tenants should have votes?—I think there ought to be a special franchise of that kind. The mere fact that a man is a magistrate should not entitle him to sit on the Board, but a certain proportion of the Boards should be elected by the riparian owners.

Mr. Calderwood.

6472. Where there are so many riparian owners, wouldn't it be necessary to have some combination?—If you gave a vote to men in proportion to the length of bank they own you would secure fair representation of the riparian owners, but I do not want the riparian owners to have a preponderating voice on those Boards.

6473. Mr. Justice—But how will that get over the conflict between the netting interests and the fish water interests?—I only suggest that as one aim of the reconstruction that must take place before you get rid of the conflict. You must have a central body and these local bodies also, on a different basis. I would have the present Boards to a certain extent, but I want to get the constitution changed; I would not abolish them at all. I think local Boards are very necessary. I would change the constitution only.

6474. Mr. Justice—I have a schedule here prepared, showing the valuations of all the fisheries of Waterford No. 3 District, and all the valuations there amount to £383 15s 0d.

Mr. W. H. GOSW, A.P., examined.

Mr. Justice Ross.

6475. Mr. Gosw, do you reside in this part of the county?—I live up at Cahir, the same place as Mr. Rochford.

6476. And you have lived there all your life?—All my life.

6477. You are acquainted with the circumstances of this river Sump?—Yes.

6478. Are you a fisherman?—Yes, I am an angler.

6479. Is your property on the river?—Well, my mother's property is on the river—two miles of river.

6480. You consider it an excellent river?—It is an excellent river at times. It used to be a much better river than it is now.

6481. That is your opinion?—Yes, much better.

Mr. Justice Ross—continued.

6482. How long ago is it since it was better?—Thirty-five years ago the rents above Cahir were very high.

6483. You mean the fishing rents?—The fishing rents. Now it is very hard to let the fishing.

6484. There were fishing rents?—There were fishing rents.

6485. To whom were those fishing let?—They were let to men who came over from England. They used to come to Cahir and take all the fishings above Cahir, and they used to pay very heavy rents to us.

6486. Have you any notion what the rents would be?—They used to pay £20 for a mile and a-half of fishing.

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Mr. W. H. GOULD, *et seq.*—continued.

[CLERK.]

Mr. Justice Ross—continued.

6487. And how many people used to come?—I should say about ten.

6488. That class of people have ceased to come?—They have ceased to come altogether. Colonel Peyton, who is a well-known sportsman, used to come over. He always came to this river, and he lived up at Golden. Now there is no fishing at all above Golden, or in fact at Golden either.

6489. To what do you attribute the deterioration of the fishing—to the over-netting at the mouth?—Well, the over-netting on the fresh water and below. The price of salmon has gone up so much and the instruments for catching them have developed so much that it is very much easier to kill the fish now, and the facilities for sending them away are so great. In every village now a shopkeeper will buy fish. In the old days it would be very hard to sell your fish. Now we have fast steamers running twice a day—those mail boats.

6490. And the fish are easily transferred and sent to market?—Very easily.

6491. And I suppose there is a good deal of local sale?—I am talking of the fishing below Clonmel.

6492. Are you aware that a great deal of this fishing is illegal?—Yes; I am aware of that, and it is most difficult to check it, because there is not a sufficient staff.

6493. You attribute the insufficiency of the staff to the fact that there is so much poaching?—Yes.

6494. Are you a conservator?—Yes.

6495. You attend the meetings?—Yes, I attend the meetings.

6496. Pretty often?—No. Last winter I attended three times.

6497. Are the meetings well attended?—The annual meetings are well attended.

6498. But the ordinary meetings?—The ordinary meetings are for signing cheques and they are of no interest; but whenever there is something of interest to come before a meeting it is always well attended.

6499. What are the subjects of interest that bring the members there?—There is a conflict between the poachers and the rodmen?—Yes, there is, as to who should appoint the head bailiffs. That is one of the chief things.

6500. The head water bailiffs?—Yes.

6501. And if the head water bailiff has been active against the men that come to poach?—He becomes unpopular.

6502. Do you make use of prizes?—No.

6503. Do you consider that the Board of Conservators might be better organised?—Well, I don't know how you could get better. I can't suggest anything better. I wouldn't say that they are the best.

6504. They seem to be quite satisfactory?—They seem to be quite satisfactory—yes.

6505. You are a magistrate of the county?—Yes.

6506. Have you many cases of fishery prosecutions?—Well, I don't sit on account of being interested.

6507. And how are you interested, is it merely because you are an angler?—Yes.

6508. And take out a licence?—Yes.

6509. And do you consider that a sufficient interest to disqualify you from sitting as a magistrate in a fishery prosecution?—No, I would not, but I think it better not to. There have been a couple of cases of net-men, poachers, being caught on my water, and I didn't think it well to appear.

Dr. Mahaffy.

6510. On your own water?—Yes.

6511. But if you leave, the magistrates coming from the mountains, from Slieve Donard, are not likely to give a better decision?—Well, we have not that on our Bench. I refer to the local Bench at Cahir.

6512. And the men on the Bench have more interest?—Oh, I think they would give a fair decision. They have done so.

Mr. Justice Ross.

6513. You have heard the complaint on the part of the inspector that the magistrates when they convict and impose the statutory penalties request the Lord Lieutenant to remit them?—We haven't that trouble on our Bench.

Mr. Justice Ross—continued.

6514. You have nothing to complain of on the part of the magistrates?—No, not on our Bench.

6515. Have you anything to say about the preservation of the spawning beds?—I think the preservation might be a good deal better.

6516. Have you anything to suggest except to increase the number of watchers?—No, except that the police might give a great deal more assistance than they do; and if the police took more interest in it and looked after it and were encouraged, they might really do a great deal. It is only the police that could do it.

6517. You would not have it done by the bailiffs at all but by the police?—Well, it is very hard for the bailiffs to do it. There are not enough of them on these small tributaries, which cover an enormous tract of country south of the Devil's Bit, from Dunderum, and away to Tipperary, and up in the county of Waterford, and no staff of bailiffs could do it efficiently.

6518. Even though the Inspector had double the number of men that he has at present?—I have double the men. I have known police who have been very active and who have kept the whole river in order, and they effectually checked all poaching; and where there is even one efficient constable in a baronet he will do a great deal.

Dr. Mahaffy.

6519. Is there a tributary that comes down from the Devil's Bit?—That is where the Bar rises.

Mr. Justice Ross.

6520. Have you any suggestion as to how to raise further revenue, as it is really a matter of money?—Well, my suggestion is the same as that of previous witnesses, to increase the licence of the net men and on the lower waters.

6521. What do you say about the suggestion of the last witness, Mr. O'Shea, that you should raise it on everybody, even the proprietors?—Well, I think that the present rate is high enough, the 10 per cent. rate, but I would certainly have a revision of the valuation. But, at the same time, I don't think that a revision would lead to more funds being got in, because there are many parts of the river, well back from Cahir, up to Ardmore, where revision would bring you down instead of up, and you would lose money. On Lord Donoughmore's, and some of those other places, undoubtedly you would make money by the revision, because the value of the fishing has gone up. But up above Cahir, where it used to be so good, it is now of very little use. In many cases it would be nothing.

6522. Are you a trout fisher yourself?—Yes.

6523. What do you think of the trout fishing on the river?—Oh, the best fishing is very good.

6524. Do you think anything can be done to improve it?—Well, I don't know that there could.

6525. What do you think of the suggestion to make a licence necessary for trout fishers as well as salmon fishers?—Well, I think the difficulty of collection would be so great that it would be hardly worth while. I think you would manufacture criminals by changing these small boys a licence, and you would turn these young chaps into trespassers who have been accustomed all their lives to fish. That is the difficulty that I see.

6526. I quite sympathise with it?—And I think it would not pay for the collection.

6527. Now, is there any other suggestion that you would like to make?—Well, as to purchasing tenants, I think that the purchasing tenants have really no interest in the fishing. I refer to the upper waters, above, we will say, Ardmore and Cahir. I know one case of a man who has purchased his holding at Newcastle (that is above Lord Donoughmore's water), and he has let his fishing, and he is always anxious to let it. Another purchasing tenant approached me and asked me would I not take his fishing from him, and he told me that now, as a means of keeping off trespassers, he was allowing the bushes to grow, as an effectual means of keeping them off. He did not want trespassers on it, but he didn't care to keep off trespassers by any other means. There is the natural wish or desire of a man not to make himself obnoxious to his neighbours, so he does not care to warn off these

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Ms. W. H. GORME, J.P.—continued.

[CLERK.]

Mr. Justice Ross—continued.

fishermen who come on his land, but he does not want them there.

6538. And he allows the bushes to grow?—He allows the bushes to grow as a cheap and effective means of keeping off trespassers, but he would like, at the same time, to let his bit of fishing.

6539. And do you think there could be co-operation introduced among the tenant purchasers?—It is hard to see how it could be, because there are so very few of them. A river is not like a tract of country.

6540. They are separated from one another?—They are too much separated from one another. I would suggest that the present Board of Conservators should be empowered to take up the fishings from these men. Mr. McCormack has just said that he had letters from all parts of the United Kingdom asking for fishing. Well, now, if the Board could be empowered to deal with these tenant purchasers, and take up their fishings from them, and in some way preserve them, and then act as agent, at a certain fixed sum, I think it would be a good thing.

6541. And give them something?—And give them something. That is one suggestion that I would be disposed to make.

6542. Have you anything else?—The trouble we have is organized poaching by men who, in the winter, catch plover. They spend their winter catching plover, and at the moment the fishing season opens they act the salmon as fast as ever they can.

6543. They stop the plover and take to the fish?—Yes.

Dr. Mahaffy.

6544. Without any license at all?—Without any license at all.

Mr. Justice Ross.

6545. What sort of men are they?—They do a bit of cockle-drawing, and they catch plover, and, when the river is open, they net the salmon. There are well known gangs of them.

Mr. Green.

6546. Where do they live?—About Thurles and Cashel, and when they get an opportunity they clear the river. And there is very little preservation above Golden. There used to be very good fishing there. At Ardara there used to be excellent salmon fishing.

Mr. Justice Ross.

6547. Has it ever been suggested to you that it might be a good thing to oblige the people who buy and sell game and fish not to buy or sell the license in produce?—Well, I don't know that that would be much good, because they would sell it under the rose in towns and the shopkeeper would buy it under the rose.

Dr. Mahaffy.

6548. You say there is good trout fishing in the river?—Yes, very good trout fishing.

6549. Are there not people living by trout fishing?—Yes.

6550. Actually living by it?—I mean selling it at eleven pence a pound?—Yes, there are.

6551. Then don't you think a man living by trout fishing ought to pay a licence?—I think you discriminate between him and the small boy.

6552. You might make a limit of age?—I think that would be very good.

6553. A middle-aged man who has spent his whole life on the river ought to pay dearly?—Yes. I think in order to give the tenant purchaser on the upper waters more interest in the water as would be necessary to give him more fish and make his fishing more valuable and restore the fishing as it used to be. Above the bridge of Cahir my cousin 35 years ago killed five fish in one day. That was no uncommon thing. Now he would in a whole season perhaps kill only two fish there. The fish don't go up the river. All those lower parts—Knockshock and those lower parts—are fairly well stocked to, we will say, 10 miles above Clonmel; but above Cahir, where it used to be well stocked, it is not now well stocked.

Dr. Mahaffy—continued.

6554. That is the case with all the rivers of the country almost. All the rivers I have fished on are much worse now than they used to be, but I don't think that is due to the poaching so much as to the netting at the mouth?—It is the netting at the mouth. Our season now opens on the 1st of February, and if we get the season put on till the 15th of February it would give us a chance.

Mr. Justice Ross.

6555. Haven't the Fishery Board power to do that?—They have power. Then I think our close time is fully occupied. I think we would have to put it on at the other end. We would have to give them another fortnight at the August end.

Mr. Green.

6556. If you see at the length of your letter you cannot extend it; but you wish to have the angling open at the beginning?—What we want is to have the nets put on a fortnight.

6557. If you put the nets on a fortnight that will not complicate matters in the least, because it is not the open season that must be a certain thing, but it is the close season that must be a certain length?—I wish to take a fortnight off the opening of the season so that the open season should not begin till the 15th of February.

Dr. Mahaffy.

6558. And at what time does the season close?—The nets close on the 15th of August.

6559. And the rods?—And the rods on the 15th of October.

6560. Isn't that late?—It is.

6561. Far too late?—Oh, yes, it is absurd.

6562. The salmon are not fit to catch at all.

Mr. Justice Ross.

6563. Did you ever bring that before the Fishery Commissioners?—Never.

6564. If you want any change of that kind and the local body apply to the Fishery Board, they will consider all that, and they can do that?—Yes. We complain up the river that we get hardly any spring fish. Some years we get no spring fish whatever. If we get a year of big floods we get a good year; but when there are not big floods we get no spring fish; and if we were given an extra fortnight with the nets off we would have a fair chance. The fish would come up. It would be very important to get the 15 days in February.

Mr. Colderwood.

6565. But after all that does not tally with your main contention that the serious lack of salmon is due to over-netting?—Yes, the serious lack of salmon is principally in the spring months.

6566. If your stock of salmon begins to decrease, the first to begin is the spring run. Would you have an ordinary run after your spring run had totally disappeared?—Yes, we get fish up there in the summer and it is impossible to catch them on account of the weeds. We can't get them; they are sulky; we wait the spring fish.

Dr. Mahaffy.

6567. Have you pits in those waters?—Yes, a certain amount.

6568. And they do much harm?—They do harm.

6569. Do they eat up the trout?—Yes.

6570. Did you ever do anything to catch them?—All the small boys are given leave to fish for pike.

6571. And they catch them?—Yes, they do.

6572. Do you know the old pools near the Duches of St. Alban's house—they are full of pike?—Yes. We have nothing to say to the Duches of St. Alban's. You mean no Conservators?

6573. Yes?—No; we have done nothing with regard to those pools.

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Mr. W. H. Gosse, *s.r.*—continued.

[CLOSING.]

Dr. Mahaffy—continued.

6364. Those pools are stocked with pike?—Yes.
 6365. The Anner is one of the sporting rivers?—The Anner is not a great sporting river.
 6366. But it is one of them?—It is.
 6367. And a very good trout river?—A very good trout river.
 6368. They drift from that down to the Suir?—Yes.

Mr. Calderwood.

6369. Do you know when the cut fishers catch most of their salmon?—I don't know.
 6370. Do you know if they catch many in the early spring?—Oh yes, I think they catch a good many then.
 6371. In February?—Yes. Of course salmon is so much more valuable then than afterwards.

Dr. Mahaffy.

6372. I suppose the drift nets are the first to get the salmon?—They have the first pull.

Mr. Justice Ross.

6373. You have not had your closing dates revised at all since 1883; and if there is anything in the point about putting the spring season on an extra fortnight to allow the salmon to get up, and extending the close time, it would be worth your while to make

Mr. FRANCIS HERRIMAN, examined.

Mr. Justice Ross.

6381. Will you tell me, Mr. Herriman, what you are?—I am a farmer.
 6382. On the banks of the Suir?—On the banks of the Suir.
 6383. You have known the river all your life?—Yes, I have known it for 43 years.
 6384. Do you take an interest in fishing yourself?—Well, I do fish.
 6385. Anything with the rod?—Yes.
 6386. And do those cut fishermen fish opposite your land?—Oh, no; my land is close to Lady Margaret Chalkin's midway between Chamel and Cahir.
 6387. What river frontage have you?—About half a mile. I have a half-mile of my own, but I farm lands over a mile further up, which were originally our fishing, but were reserved in the seventies. It was reserved by the owner in the 'seventies.
 6388. Do you mean reserved from you—is that reserved to himself?—Yes.
 6389. And have you bought out your land?—Yes, a portion of it.
 6390. And have you got the fishing still reserved?—On this portion, just half a mile.
 6391. Is it still reserved?—No, it belongs to me. It always belonged to me. A mile of it was reserved, and about half a mile was always ours.

Dr. Mahaffy.

6392. Is the mile still reserved?—The mile is reserved.

Mr. Justice Ross.

6393. Well, is there much poaching going on, to your knowledge?—None, on the river there.
 6394. You think it a good river?—Yes.
 6395. Do you think it is improving or getting worse?—I think it is getting worse.
 6396. To what do you attribute the deterioration?—To the over-netting in the tidal and fresh waters.
 6397. Do you think that an effort should be made to stop net-fishing in fresh waters?—Well, I would not go so far as that.
 6398. How far would you go?—I would go so far as to say that the opening of the season ought to be put off till the 15th of February.
 6399. As the last witness said?—Yes. I suggested that about a year ago at the meeting of the Board of Conservators in Waterford, and it was taken up warmly, as the upper waters above Cahir, from Cahir to

Mr. Justice Ross—continued.

- an application to the Fishery Board?—Yes. It is a very important thing for the upper waters.
 6374. They can't move themselves unless they are asked, and you might put that before them.
 Mr. Jones.—But, my lord, we would be most bitterly opposed by all the net fishers.

Mr. Green.

6375. It is for you and your Board to consider whether it is worth while to ask us, knowing that. (To Witness.) Did that fishery up at Golden, that Col. Peyton used to have, fall away suddenly in value, that is, the angling?—No; by degrees.
 6376. And was £500 paid for it up to the end, or any smaller amount?—No; it went down to £100.
 6377. And then vanished?—And then vanished.
 6378. And it has not been let at all since?—It has not been let at all since.
 6379. It is derelict, so far as angling goes, now?—Yes.
 6380. Mr. Jones.—As bearing on this question, in lord, of the fluctuation of the number of rod licensees, I hand to there a return which will show you graphically the rise and fall of the salmon licensees in this division. In the year 1884 we had a marvellously good year, and in the year 1885, the next year, the licensees shot up to their maximum, and then we had a succession of poor years, and you see the barometer gradually fell. But it is now, I am glad to say, on the rising gradient again. (Returns handed in.)

Mr. Justice Ross—continued.

- Ardmayle, about 10 miles, are completely denuded of fish in the early season. We get not a single fish. Thirty-two years ago I knew that water very well, and at Ardmayle, and at Golden, and at Ballycume the fishing was some of the best on the river Suir, and now those fishings are practically valueless.
 6390. No fish at all?—Scarcely any fish till towards the end of May, when the river becomes so weedy that it is very difficult to get the fish to take.
 6391. They are sick?—Well, they won't take. The river is weedy and you can't fish, and your fly gets entangled in the weeds.
 6392. Besides the fish won't rise?—The fish won't run.

Dr. Mahaffy.

6393. It is a very slow river there?—The further up you go the slower it becomes, but there are a few currents. It is flat at Ardmayle, but there is a good current at Golden, at Mr. Vincent Scully's place, but the fish don't go there now.

Mr. Justice Ross.

6394. Have you any suggestion to make besides the fortnight?—That is the first suggestion. The next is that the staff should be increased on the spawning streams and tributaries. I don't know much about the Anner, but the Nare, and the Tar, and the Thuragone, which goes to Abenkw, and the Miltheen, which comes out near Golden, are all spawning streams.
 6395. We are all agreed as to the necessity of further watching of the spawning streams. Can you make any suggestion as to the source from which the funds necessary for that purpose ought to be got, for everything can't be done by Government. There is too much put on the Government already, and if there was some local means of doing perhaps you might be able to make some suggestion regarding it, whether it should be an increase of licensees or by some method of that kind?—I think if the opening of the season was deferred for 15 days it would give a great interest to the people in the upper waters to look after the fish.

Mr. Green.

6396. It would take away the interest of the people in the lower waters?—Well, I don't understand that it would for the first 15 days.

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Mr. FRANK HARRISON—continued.

[CLOSING.]

Mr. Justice Ross.

6007. If you wish to prevent people in the lower waters from netting till the 15th, you don't think it would prevent them from taking out the same licences as now?—No, I don't think so.

6008. And you think the people in the upper waters would take out more licences?—Yes.

6009. Then there would be a gain?—A considerable gain; and I think they would take an interest in preserving the fish in the spawning streams. In the upper waters they have practically no interest now, as they can get very few fish, and they won't exercise over a moral influence as regards the preservation of the upper streams.

6010. And also they might exercise some moral influence?—Certainly they would, if they had some little benefit. The fishing is gone, absolutely gone. I remember Askwith 33 years ago, there were several fishings taken. Now there is not a single fishing taken.

Mr. Green.

6011. Do you think it would be a good thing if we limited the fresh water part of the netting even if we did not limit the whole of the netting?

Mr. Justice Ross.

6012. Suppose we left free the netting in the estuary alone, and limited it in the fresh water, do you think that would do you any substantial good?—No; I think the salmon would not come. I think the salmon are all stopped by those nets in the estuary and in the tidal waters. Of course, we get few large salmon now in February. Scarcely any salmon come even as far as Ardman. You scarcely see a salmon till close to the 1st of March at Ardman. You might say that Lord Donoughmore's and Lady Margaret Charles's and all the water is scarcely fished till about the 1st of March. Very few fish come, and none at all go past the weir in Ardman.

6013. Now we quite understand your suggestion as to extension of the time. Is there any other suggestion that occurs to you, anything else that you would like to suggest to us?—Nothing at all except as regards those two points.

6014. Mr. Jones.—Do you attribute this falling off in fishing to the increase of the number of nets?—No, the increased netting in the tidal and fresh water.

6015. You compare now with 55 years ago. Well, if you take 35 years from 1855, that brings us to the year 1870?—Yes.

6016. And I find that the total number of nets that year was 378, and the total number of nets in the year 1910 was only 269.

Mr. T. D. PRACE, J.P., examined.

Mr. Justice Ross.

6023. You are a magistrate for the county?—For the County Westmorland, not for here.

6024. Where do you live?—I live just beyond New Ross.

6025. You know the Suir well?—I don't know the Suir so well as the Barrow. I do know something about the Suir, but very little.

Dr. Makaffy.

6026. You are on the lower Barrow?—The lower Barrow.

Mr. Justice Ross.

6027. We should be glad to hear a little about the lower Barrow because we haven't heard much about it?—Oh yes.

6028. And you live practically on it?—Yes, I live on it.

6029. And you take an interest in fishing yourself?—Yes, I am a fisherman.

6030. All your life?—All my life.

6031. Do you think the Barrow is getting worse or better?—Worse, I think, except that this year the smelt-net fishing has been exceedingly good. I see them fishing opposite me.

Dr. Makaffy.

6032. What was the length of them?—Witness—That would make a great difference.

Mr. Jones.—I think the drift nets have not materially increased in length.

6033. Well, we have been told the very reverse. I am told that they are doubled in length. Witness—Mr. McCormack's report of those nets that he took in the river shows that they were quite long enough for any purpose. You can't develop the fishery, and you lose all if you don't preserve the spawning beds, and if you don't give the proprietors on the upper waters some fair chance. I am not very much interested in the water above Cahir. I say that we come off fairly well between Cahir and Kinnel, but I know that the men on the upper waters take no interest at all in preserving the fish, and they have no benefit.

6034. The first thing is to get the fish up?—And then to protect him when he is up.

6035. But you must do both?—Of course, the rod fisherman, from a commercial point of view, can't fish for profit. A fish taken with the rod really costs a shilling an ounce.

6036. That is, the money goes in the neighbourhood?—It is spent in the neighbourhood. When General Deshwood was fishing out time he went further than that, and said, "Every fish I catch costs me a guinea an ounce." As regards trout fishing, I agree with Mr. Gomp as thinking that it would be impracticable to put on a fishing licence. There is a very small portion of the river open to trout fishermen, simply a few patches that they can fish on.

6037. They don't fish in the demesnes?—They don't fish in the demesnes. No doubt, Mr. Rochford gives permission, of course, but there is very little open fishing for trout, and I don't think it would be worth while to put on a duty for fishing on the small portion that is open for trout fishing.

6038. I was only thinking of the more that live by trout fishing?—Oh, no one lives by it. Those men who are trout fishing do some good. They can fish for pike, and take away most of the pike on the river, and consequently they benefit the fishing. Then, as regards those cornments, I think they should be all destroyed.

Mr. Justice Ross.

6039. They could be easily destroyed if you would give a shilling a head for them?—I shoot a few of them if I get the chance. If you wait in some sheltered place till they come down the river, and then fire when they get their heads up, you might shoot them. If people took an interest in shooting them, they would get rid of them very soon. But I don't believe that horns do any harm. I invariably see them take sale and nothing else—very rarely a trout.

Dr. Makaffy.

6040. Are you not on the tide-way?—I live on the tide-way, but I am interested both above and below.

Mr. Justice Ross.

6041. What do you attribute the falling off to?—I think it has a great deal to do with the failure of the spawning in the upper river. There is an immense amount of poaching going on up there, and the spawning fish is absolutely useless.

6042. Then I suppose the only cure you could suggest for that would be an increase in the work of watching?—Yes, I think there should be more effective work by bailiffs.

6043. And the great difficulty about that is the expense. Can you suggest any way of getting additional funds?—I think one of the principal difficulties is to get men who will do the work. It is not so much actually the payment, because I think I would rather pay men on the upper waters than on the lower waters.

6044. But it is difficult to get reliable men?—Very difficult indeed.

24th September, 1911.]

MR. T. D. FLAHER, J.P.—continued.

[CLOSING.]

Dr. Mahaffy.

6639. You see them fishing opposite you?—Oh, they snap-net the fish opposite me.

6640. Has that occurred of late?—Oh, that has certainly occurred of late, during the season, of course.

Mr. Justice Ross.

6641. Do you notice that these men continually fish out of season?—Oh, no, I think they do not. The men in my neighbourhood certainly don't.

6642. What about the close season?—There are certain people who poach in all those places, a few men who poach. They will poach at all times, but I think the generality of fishermen that take out licences don't poach.

6643. They don't poach?—They don't poach.

6644. How many miles are you away from the estuary proper?—I am about 20 miles.

Dr. Mahaffy.

6645. The tides comes up a long way there?—A very long way.

6646. Is there not a very small population up there?—Oh, I think not. I think it has a very fair population.

6647. What towns are there?—Well, there is the town of Graignamamagh, which is pretty large; and then there is a small place, St. Mullin's; and then there is a small village, Palmonty, and a place called the Bower. I live exactly on the borders of where the Nore and Barrow meet. Enniskerry is another small place that is fairly well populated.

Mr. Justice Ross.

6648. Have you noticed that since the order was made prohibiting net fishing on the upper waters of the Barrow there has been an improvement?—Yes, that has been a great advantage to the Barrow over the Nore. The fishing in the Barrow is better than the fishing in the river Nore.

6649. What is the date of the order?

Mr. Green.

6650. It was made about five years ago.

Mr. Justice Ross.

6651. But even since that order was made you have noticed this improvement of the fishing in the tidal waters?—This year we had an exceptionally good year. Last year it was very poor, and the year before it was even worse.

6652. Have you any suggestion that you would like us to consider?—Well, I have not, beyond what has

Mr. Justice Ross—continued.

been already suggested, that is, to increase the licence duty. That I think ought to be done with regard to the nets that are down on the estuary, those large drift nets. I think the licence is only 40s, and I think it ought to be doubled.

6653. *Mr. Jones.*—It is only 40s?—I think it ought to be £50 at least. They catch a great many fish. In one drift they catch a great many fish.

Dr. Mahaffy.

6654. But is there not very little red fishing on the Barrow compared with the Nore?—Beyond the borders at a place called St. Mullin's there are a good many people who pursue themselves fishing. I won't say that it is business.

6655. There is no fishing let to people?—No. Nobody has sufficient interest; no one except Mr. Kavanagh, who owns both sides of the river. There is only that small part of the river, and he owns both sides.

6656. At Berrie?—Just around Berrie. I was going to say something about the sale of fish. I think there ought to be some restriction put upon the sale of fish after the season is over, and even at all times there ought to be something or other done for the supervision of it in some way. Now, for instance, when the season closes on the 15th of August I may go with a rod and may fish, and I may have a licence if I may not, or I may catch them with a net and bring them in and sell them as fish caught by rod.

Mr. Justice Ross.

6657. I think something ought to be done about that, but it is very hard to deal with it. You will find grouse sent by His Majesty's mails in the month of July?—The Parcel Post has interfered with the power of detection.

Mr. Green.

6658. Do you think it would be a good thing to prohibit the sale and purchase of salmon in the month of October all over Ireland?—It is very difficult, because by the Parcel Post you may send them to England.

6659. *Mr. Jones.*—My lord, we have at present the legal power of putting a man who is in possession of fish after the 15th of August on proof. He is, *prima facie*, in illegal possession, and I hope very soon we will have more convictions under that heading. There was a very important case lately decided by the Recorder of Cork, a very valuable decision.

MR. JOHN ASHROD, examined.

Mr. Justice Ross.

6660. Are you connected with fishing in any way?—Yes sir, I was.

6661. In what way?—I was sub-bailiff for six years and bailiff for two on the tidal waters of the Barrow and Nore.

6662. Are you a bailiff now?—No, sir; not for the last six years.

6663. It was in connection with the tidal waters that your duties were exercised?—The tidal waters principally.

6664. Did the fishing improve during that time, or did it fall off?—Well, according to the way they were fishing at other places, sometimes it was good, but I couldn't say that there was an improvement till the last year.

6665. And you think there was a decided improvement then?—Yes, I do, sir.

6666. Do you attribute that to the good year, or do you attribute it to the fact that fresh water netting had been specially prohibited on the Barrow?—Well, it might be, of course, that the fresh water might have been better looked after for the last year at two. Otherwise I would be inclined to think that it might be on account of the improvement all round, as I understand that there was an improvement of salmon fishing in Scotland and everywhere.

Mr. Justice Ross—continued.

6666a. That occurred some years ago?—Last year, at all events.

6667. Now has there been much poaching on the tidal waters to your knowledge?—Well, I am a Conservator now, but there are plenty from whom I can hear of poaching being carried on very much, that is between the mouth of the Barrow and the length of the river, I may say of the tidal water, and it is carried on, as far as I can understand, very much in the lower part of the river.

Mr. Green.

6668. Do you mean down about Ballyhack?—No, between Check Point and us.

Mr. Justice Ross.

6669. When you say poaching, you don't mean poaching by people without licences?—Well I mean illegal nets.

6670. Longer than they are allowed by law?—Drift nets are not at all allowed in the river Barrow, and within six shute nets, and I believe a great number of them have been used for the last year especially, more so than for years before.

6671. In the fresh water?—In the tidal water. As a rule they don't fish these drift nets or shute nets high up in the water. It is principally down below.

26th September, 1911.]

MR. JOHN ASKEFORD—continued.

[CHAMBERLAIN.]

Mr. Green.

6672. And I suppose they would be dealt with very soon if they came up there?—They won't venture to come up. As a rule their nets are very long now, and they couldn't well fish in the narrow part of the river.

Mr. Justice Ross.

6673. Now have you anything to suggest for us to consider as to how the fishing could be improved?—Well I have one suggestion to make, sir, and that is this, that the bailiffs could do their duty very much better than what they are, and especially the head bailiff of the B Division. I think there is 30 miles of a river, or somewhere about that, from Clock Point to Kinsale, and the head bailiff, I think, pays very little attention to his duty—Brown, of the B Division. He is to be got at any time at New Ross on the bridge, and at Rosbercon. Where he lives, and, of course, when a charge is made against him there is no attention paid to it, and when it is made by some of the Conservators there is very little or anything heard about it.

6674. How does he get himself elected time after time?—I've heard a great deal of this kind of thing yesterday, and I don't know why, if he is so bad as they say, the Conservators appoint him?—He is a man that boasts of having the co-officer at his back, and one of the appointed Conservators—there is one man, Askeford, and one man, Power, and, as far as my judgment goes, they are more inclined to have the salmon preserved and the bailiffs to do their duty than the others. At election of Conservators came off there a short time ago, and this man, Browne, and some of the bailiffs took a very prominent part in looking for supporters for some of the Conservators that were up for election, and those Conservators, after some time, were declared by the King's Bench not elected, and that Askeford and Power had a right to get in for that election.

6675. Mr. Justice.—And you are the Askeford?—Yes.

MR. JOHN O'NEILL, examined.

Mr. Justice Ross.

6680. Are you a fisherman?—Yes, my lord.

6681. Where do you carry on your fishing?—Well, at Clonsilla, my lord, outside of it, at the present time, a mile and a half below Clonsilla.

6682. Are you a net fisher?—Yes, sir.

6683. Are you the owner of it?—No, not quite.

6684. Just one of the men that work it?—Yes.

6685. How long have you been at that?—Over 30 years; and I generally red-fish, up to some years ago, any place that was not pursued for red-fishing; and I haven't taken out a red license this year.

6686. It is now not fishing alone?—Yes.

6687. And that goes on seven months in the year?—Not quite seven months.

6688. Is that your principal occupation?—Yes, and I always worked after the close time till my family raised up to me. (It was a little help to me in the present year.) I always worked in the winter time at labouring work. I used to work several years even in the forestry where the bark would be coming in. I used to work several years in that way.

6689. Then this net-fishing has gone on for 30 years, and seven months in the year?—Six and a fortnight.

6690. I suppose the years are very different, bad years and good years?—That is according to the weather and the water.

6691. It is a profitable business on the whole?—Well, it is, the weather and the water have the whole doing of it.

6692. Can you give me any information as to how many fish you would get in a good or bad year?—Well, I don't know of this investigation to-day, or I would have it, because there is a man in the crew that would know the number.

6693. It is not a matter that would require great accuracy. Just tell me, according to your recollection, as near as you can go, what you would consider a good year with the net?—Well, any sort of a reasonable year, for the time we would be at it, we would own thirty or forty pounds a man.

Mr. Justice Ross.

6676. Was there a quo warranto before the King's Bench?

Mr. Justice.—I think it went up on an application for a writ of habeas corpus.

Mr. Justice Ross.

It must have been a quo warranto.

Mr. Justice.—Yes, you are right.

Mr. Justice Ross.

6677. However, there is nothing in that small private matter among yourselves, and if the man is so unsatisfactory, you must use your own resources to get rid of him, and if all this is not well intended, I suppose he will remain on. Have you any other suggestion to make?—I think I might make a suggestion with regard to those people that have bought the land. I was just thinking over that, and I would be inclined to suggest about those men that have bought the land that I would give them no right outside according to the distance or length of land that they have up the river, but if they were allowed so much for preserving the salmon every year, or as long as it would be known that they were doing their best, in some way, to preserve the salmon, if the Board showed them something it might induce them to take care of the salmon.

6678. Mr. Justice.—Askeford, are you aware of the large number of prosecutions that we had at Ardhurstown Petty Sessions, when you say the river is not looked after?—I have nothing to say about the prosecutions.

6679. Are you not aware that the man Browne was the same Browne that detected those men?—Yes, Mr. Justice, I am well aware of it. All I say is he neglected his duty on the upper waters.

Mr. Justice Ross—continued.

6694. And in a bad year?—Well, according to the weather. If the weather came not fit for it, and low water and dry weather, very little would be done. There would be very little fish coming on the river.

Dr. Mahaffy.

6695. You might get 200 fish, then, in a season?—Yes.

Mr. Justice Ross.

6696. And fine fish? As a general rule they are very fine fish?—Well, in the spring of the year, you would get them from 22 to 34 pounds, down to about 16.

6697. Now matters are getting worse?—Well, I think not, my lord.

6698. You think not?—Well, not a great deal. It is according to the weather.

6699. This year might be exceptionally good, but then there might be some unknown cause for that?—It was very fair.

6700. Do you know is there much poaching going on?—I will tell you, my lord. As for the poaching that is carried on at the river there, there may be an odd one as outsider, but if there are 4 men going to work here at 6 o'clock in the morning, and stopping in these nets working till 8 o'clock in the night, they wouldn't be very anxious for going poaching after 14 hours' fishing, men that are earning a living by it. And there may be others outside it, and there may be a little too. I hold, sir, at the present time now if there was one flood came this present night or to-morrow, the black and red fish that are here since the early part of the year when they went up through this river, the whole of these fish at the present time would make a rush to these tributaries. There are some of these red for the past month at the top of the river here, and there would be more destruction of

8th September, 1911.]

Mr. JOHN O'NEILL—continued.

[CLERK.]

Mr. Justice Ross—continued.

fish done after that died on one of those tributaries than all the poaching that would be done on the river Sair for 50 years, after one night's flood. And it is through a mistake, and it is lucky I found it out. A great many of our men think to prevent it, and any man who is carrying his living by fishing will do his best to prevent the destruction of the spawning fish. But I will leave the rest of it out. At times it is different, when a man will look for a salmon that is worth a couple of pounds, and that is only one single case, but when a spawning fish goes up those tributaries, and when he is done away with, there are thousands done away with in the one. Well, it is through neglect, as I have it from some of the parties, and I know that for the last 20 and 30 years, at all events, this work has been carried on in those tributaries, and they are very badly protected, and they could be better protected than what they are. Even if the baillies might have to go 7 or 8 miles out to these rivers, it is not very well that they could attend to it except that they could have extra hands on it. And that is the whole cause of the decrease of the salmon on this river.

6701. That is your opinion?—Yes.

6702. Now, tell me, supposing it was made a law that net-fishing in the fresh waters was to be prohibited entirely, that, of course, couldn't be done without doing injustice to people who had been working at it so long. Do you think that you and your friends could get employment from the people that would be working in the regular fishing; or would you, as I suppose you would, oppose it very strongly?—Oh, of course I would.

6703. It was suggested here that you could get employment with anglers, and all that kind of thing. I suppose you would look on that as an uncertainty instead of a certainty?—Oh, well, I wouldn't look for the like of it; but I have it from some of those parties that are working on those tributaries, that through neglect there is a good deal of harm done, and I was talking to several of those people, and I did my best to see to get them to stop, and many told me they would, and that they didn't know the harm they were doing.

6704. They would not know the difference between a fish with eggs in it and another fish?—They didn't know the harm they were doing. Although they see the pen coming from these spawning fish, several told me they didn't know they were doing away with thousands of fish—and hundreds of poor men depending on it.

6705. And you think it would be effective if there was some information distributed among the people in the form of lectures and pamphlets?—Yes, and I would like the baillies to let those farmers' sons and their men understand the harm they would be doing by that.

6706. You know some people told us that they don't care a straw, if they only get their own fish, about the thousands of people interested down the river; but what do you think?—Well, I would say that the whole decrease is from the tributaries. If there was poaching carried on now, once in a while, what odd salmon would be got would be a mere nothing; but if those tributaries were properly protected, there is no mistake that in a couple of years you would see a difference.

6707. Then about the drift setting allowed in the estuary?—I won't go into the estuary. I won't go below Carrick. I know I fish from here to the bridge of Carrick, and I won't go below it.

Dr. Mahaffy.

6708. Of whose land do you fish?—Well, at present I am working at Ferryhouse.

6709. And do you pay rent for that?—The way we work for those parties that own it, we give them a fifth share.

6710. You pay a fifth share for the right?—Yes.

6711. And is that other person the owner of the bank?—Yes; a woman at the present time.

6712. A fifth share is pretty high?—Well it is a general thing as far as I can see, and before my

Dr. Mahaffy—continued.

memory, and I believe it was a thing that was always done.

6713. And that might come to £30?—Yes, well they have the land, and they have the right to fish and let the right to fish, and it is a thing that was always done, and I don't object.

6714. And if the owner chose to stop you, if that person said, "You must not fish there any more," that would be quite right?—They should have a fault.

Mr. Caldwell.

6715. What time of the year would you catch most of your fish?—I know that there is more good fish goes up in January than any month in the year. The pleasant month we know here for years past is the month of May.

6716. You begin in February?—The lot of February to the 15th of August.

6717. And you think a great many fish go through before you start?—Oh, they are seen in it.

6718. In February a good month?—Yes.

6719. And are those six months' fishing that you do, one after the other—do you begin to fish in February and go on through March and April and so on?—Yes.

6720. And you stop about July?—The fifteenth of August.

6721. And do you fish up to the 15th of August?—Yes.

6722. And then your fishing becomes more or less intermittent, you are not fishing all the time?—In the end when the water gets low we don't fish in the morning and evening. We only stop away three hours at a time after we go.

6723. And do you fish every day?—Every day.

6724. You do fish every day?—Yes, that is except Saturdays and Sundays.

6725. Mr. Jones.—Don't you think a great deal could be done if there was more co-operation amongst licensed net men against poaching and it would let free the money that we have to spend in preventing fishermen breaking the law?—I know they would, and there is nothing else that will prevent it except the men themselves.

6726. Are not the licensed men to some extent the authors of their own misfortune in breaking the law and abiding us to spend such a large amount of money in making them observe the law?—Very little. I am over 30 years dealing with nets and I have seen a good many prosecutions in that time, and I will swear on my oath this minute that I never saw a right prosecution in that time.

6727. I believe you were prosecuted yourself?—I was.

6728. And that was not a right prosecution?—No, sir. And I saw men standing there on the beach a short time ago, and the net that they were prosecuted for using they never saw till they saw it on the beach behind their back.

Mr. Justice Ross.

6729. That will do. Witness.—I would say that though a little poaching may be done outside by men earning a living by it, any decrease of salmon that would be due to the tributaries. All the fish that are up at the present time are black and red, all up at the present time, and the first flood that comes they will be up on those tributaries, and in eight or ten hours the flood is gone off and the fish are there in little holes with their backs over the water.

Mr. Green.

6730. Did you ever see them there?—Oh, I did, hundreds of times, and I made it my business.

6731. What was your business?—Well, to see the difference after the flood.

6732. It is a very long distance from where you live?—Oh, no, those were the times I went trout-fishing on the Nire, and I would just go across the hill and follow it along; and there were other small tributaries.

5th September, 1911.]

Mr. JAMES GRIMAN, examined.

[CHIEF.]

Mr. Justice Ross.

6733. You live in this locality?—For the last five years, sir.

6734. In what capacity?—Gamekeeper and water bailiff.

6735. To whom?—Lord Ashdown.

6736. And you are acquainted with this river?—Yes, I am acquainted with this river for the last five years.

6737. And in that time you could hardly say whether it has got much better or much worse?—Well, it has not decreased but it has not got any better.

6738. It has not much changed?—No.

6739. Is there much poaching on it?—There is a lot of poaching in the upper waters.

6740. And how it came under your personal observation, have you seen it yourself, and have you prosecuted?—I have prosecuted, but it is hardly worth while, practically, because the magistrates look to the Petty Sessions, and the defendant would get witnesses to come up and swear black as white, and then a lot of local justices, farmers, believe these other witnesses.

6741. So you don't seem to have much confidence in the tribunal?—No, not in the least; not in the bench. I would not trust them.

6742. And then, as a matter of fact, you have not prosecuted at all?—Well, we let cases slide rather than bring them in. I prosecuted a man at Ballymacnab Petty Sessions, and took a stroke-bail out of his pocket, and summoned him under the by-law, and instead of that the magistrates —

6743. What do you suggest should be done?—To try these cases by the Resident Magistrate alone; either that, or try them by the County Court Judge.

6744. Or have an appeal from the Resident Magistrate to the County Court Judge?—Yes.

6745. Would you be satisfied with that?—I would be satisfied with that. Any game cases or fishery cases I would take out of the venue of the local justices altogether, and leave them to the Resident Magistrate.

6746. Have the magistrates been canvassed?—I know, as a matter of fact, that they have been canvassed for 20 or 30 miles.

6747. Men who don't usually attend?—Yes, men who don't usually attend, and they even come from

Mr. Justice Ross—continued.

Lismore and Tallow. There is a lot of poaching done on rivers like the Nore and Tar, where there are a lot of small tributaries going up in the hills, at the back of the Cammough hills, and I think it would be well to put greetings to stop those fish going up these small rivers and confine them to the main rivers like the Nore, where they would be under better supervision and be better preserved; because while the man is walking up the Nore the salmon is going up the small tributaries.

Dr. Makeff.

6748. That was suggested to us about the Nore, but if you want to interfere with nature, it would be a very serious question?—Take the Ballinashinn fishery in the County Galway. Twelve-pound salmon ascend these small rivers when there is a flood, and in a few hours' time the river is nearly dry and the salmon is at the mercy of anyone.

6749. In the old time, when there was nothing of that kind looked after, and they all did the same thing, there was plenty of salmon in the country?—But then you hadn't the over-netting, and then they hadn't the appliances for taking salmon that they have now.

6750. One salmon spawning could stock a whole river?—Two or three salmon might stock the Ruir.

Mr. Jones.—There was a good deal said yesterday about the want of preservation on the river Nore. I have had a return of fines received last year, and that shows that there was a lot done in the way of prosecutions. The total of fines received was £110 9s., but, as against that, the other side of the book shows that the law costs were £118 odd.

Mr. Justice Ross.

Does it show how much was remitted by the Castle.

Mr. Jones.—No; this return shows the exact amount received.

Mr. Justice Ross.

Mr. Lee will take that from you. (Babers handed in.)

The Committee adjourned.

FIFTEENTH PUBLIC SITTING.

MONDAY, 11th SEPTEMBER, 1911.

AT 10 A.M.

At the Courthouse, Lismore.

PRESENT:

THE RT. HON. MR. JUSTICE ROSS (in the chair).

REV. JOHN PENFOLD MARAFFY, B.C.L., LL.D., C.V.D.,
MR. STEPHEN GWINN, M.P.

MR. W. L. CALDWELL, F.R.S.E.
MR. W. B. GREEN, C.F.

MR. R. H. LEE, Secretary.

COLONEL THOMAS T. SAMPSON, C.B., J.P., examined.

Mr. Justice Ross.

6751. You are a Member of the Board of Conservators?—I was at one time, but I retired from the Board.

6752. Where do you live now?—At Glenmore, four and a-half miles, by river, above Lismore.

6753. And you take an interest in fishing?—Well, I have been fishing now for over 63 years.

6754. On the same river?—No; in various parts of the world. I fished this river 13 years. I came here for the purpose of fishing it.

Mr. Justice Ross—continued.

6755. You are an angler?—Yes.

6756. And what is your general opinion of the river, is it a very good river?—The river at one time was a magnificent one. It has fallen off as regards angling, I think, very greatly.

6757. What do you attribute the deterioration to?—Over-netting.

6758. In the estuary?—In the estuary; and, indeed, I may say, in the tidal water also, up as far as Lismore.

11th September, 1911.] CORONER THOMAS T. SIMPSON, C.B., J.P.—continued.

[LAWSON.]

Mr Justice Ross—continued.

6759. Is there any netting at all in the fresh water?—Oh, yes, for a short distance above the bridge at Lismore, belonging to the Duke of Devonshire, who has a vested interest, with which I should be very sorry to suggest any interference whatsoever, knowing it would be futile.

6760. What is the meaning of that—who has got the vested interest?—The Duke of Devonshire.

6761. The Duke of Devonshire works it by others or himself?—He works it himself. A few years ago it was worked by two brothers, the Messrs. Foley, and when the eldest of these brothers died the Duke took the fishing into his own hands, and since then it has been carried on by his agent.

6762. And the nets are used there?—Nets are used, yes.

Dr. Makaffy.

6763. What sort of a net?—Well, the usual haul net.

Mr Justice Ross.

6764. There is no net fishing now on the river?—Oh, yes, there is.

6765. Where?—I have been told (I have not seen it myself, but I believe it is true) that the Duke uses net nets from a short distance below the bridge at Lismore, as far as Cappoquin.

6766. Does anybody else use net nets except the Duke?—Yes; net nets are used lower down, on the Bannagh fishery, which belongs to the Villiers-Stuart property.

6767. Lower down?—About three miles below Cappoquin.

Dr. Makaffy.

6768. Do the net fishers pay him a rent?—The net fishers on the Duke's estate don't pay; they are paid by the Duke to fish for him, but at Devonshire the net fishers there pay a license to the Devonshire estate.

6769. How many miles down from here is that?—Roughly speaking, six miles from here.

Mr Justice Ross.

6770. Then how high up does your knowledge of the river extend?—Well, I have an intimate knowledge of the river as far as Mallow, and some little knowledge of it some seven or eight miles higher up.

6771. Do you know anything about the spawning beds?—The spawning beds are, of course, as you know, extremely difficult to protect. There are many good rivers for spawning, too. They are principally tributaries running into the Blackwater from Chazyville up to Mallow, and it is very difficult to protect them.

6772. Do you know anything of how they are protected?—The Conservators, I know, put on a certain number of what I call black haffies, that is, men employed to protect the black fish; but it is needless for me to tell you that men who are only peasants, and who are only paid—well, say, 25 or 27 for their six or seven months' work, are not at all likely to give satisfaction against their own sons or brothers, or any other of their relatives.

6773. Are there enough of them, to begin with?—I don't think there are.

6774. Do you know how many there are?—I think there are some 50 or 60 during the spawning season.

6775. But do you think that, considering the large area that they have to watch, they are insufficient in number?—I think they are. At the same time, I think that fewer men, of a different class, and better paid, would be more efficient.

6776. Then, I suppose, you would suggest men not connected with the district at all?—Most certainly. And, at the same time, if you will allow me to mention the matter, I think we fishermen owe a deep debt of gratitude to the Royal Irish Constabulary for their assistance in protecting the fish. They give willing assistance. That has been my experience in this river and on the Bann here, and also on the Bann in Kerry.

6777. Have there been many convictions for taking fish up in the spawning beds?—Well, we have had no convictions in this court, which I attend, and the returns from the Secretary of the Conservators I have not had yet. That information you will get, I think.

Mr Justice Ross—continued.

at Fermoy, when the Secretary and Chairman of the Conservators will give you evidence.

6778. Well, coming on down the river in the direction of Fermoy, are there any places there where the tenants have bought out?—I am not prepared to say at Fermoy, but below Fermoy, from Chazyville down to Glenmore, where I live, that is 4½ miles from here, a considerable number of tenants have recently become proprietors of fisheries, and, I think, unless something can be done to prevent those tenants, and others whom I have in my mind at the present time, from combining and forming a several fishery, I think great injury will be done. I am told that in many instances in Kerry, and also in this river, tenants who have purchased their farms might do so. In one case I know of a man who is acquiring three times his purchase instalment for his fishing right. Three times what he is paying as instalments for his farm he receives for his fishing right.

Dr. Makaffy.

6779. That is for rod fishing?—Yes, and in that particular case there is nothing in the world that I can see to prevent that man forming a Several Fishery with his opposite neighbour.

6780. And nothing?—And nothing. There is nothing that I can see to prevent him; and I quite see that it may occur in the near future, because the particular tenant that I allude to has put up his rod for the right of fishing very considerably. Formerly it was somewhere about 400, and now, I think, he has put it up to somewhere about £30. It may be a little long.

6781. All salmon fishing has risen in value?—Reasonably.

6782. All over the country?—Yes.

Mr Justice Ross.

6783. Have any of the selling landowners reserved the fishing rights?—A very great number have not, nor have they received one penny for their fishing rights. It would be too long for me to go into the why and wherefore.

6784. Then, I understand from you that the tenants who have acquired fishing rights in this way are beginning to appreciate the value of them?—Thoroughly.

6785. And let them?—Yes.

6786. And at many prices?—Yes.

6787. And, under those circumstances, I suppose you must have been thinking over the problem. Have you anything to suggest to us as to what ought to be done?—I suggest this, sir, that if it is in your power you should do everything to prevent several fisheries from being created.

6788. Do you mean nothing?—I mean nothing in the best sense.

6789. Would you be able to tell us whether you think those tenants would be likely to combine. (Of course one man with a large river frontage can make a good thing out of it, but then there are a number of smaller tenants)?—Let me put the case of the man I mentioned just now who is acquiring three times what he pays for instalments on his farm. That man next year will say "I am not giving me enough for my rod-fishing. I won't take less than £60." The rod-fisher would be able to take it or not, and immediately that instant owner of that fishing would combine with the man opposite.

6790. Does he not see far enough forward and recognise that if he nets every fish that goes up he will have none next year?—Oh, they don't care one straw for that. A haddock in the hand is worth two in the bush as far as they are concerned.

Dr. Makaffy.

6791. That is my experience too.

Mr Justice Ross.

6792. Then, coming on down the river to Lismore, to the court here where we are sitting, are there many tenants that have bought out about here?—From Fermoy down, a considerable number.

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COLONEL THOMAS T. SIMPSON, C.B., J.P.—continued.

[LITACON.]

Mr. Justice Ross—continued.

6798. Then you come to Lord Wemyss's fishing and Mr. Jamieson's?—That is four miles below Farmy. Then you come to Mr. Montgomery's fishing at Careyville, which is let on lease to Mr. W. Jamieson.

6799. And, of course, it is strictly preserved?—Strictly preserved.

6799. And does Lord Wemyss come in then?—He comes as Mr. Jamieson's guest, as far as I know.

6799. Then we get down to Lismore and the Duke's fishing. Where does the Duke's fishing begin?—The Duke's fishing begins at the end of my water, at Glenmore.

6797. What river frontage have you?—Roughly speaking, I have about 2½ miles.

6798. And I suppose you preserve strictly?—Well, I don't have much occasion to preserve.

6799. Is there much poaching?—No, I really don't know there is. No, but I have had a few cases of trespass by men wading into the river and fishing my water.

Dr. Mahaffy.

6800. You don't own both sides?—No, I own only one side.

Mr. Justice Ross.

6801. Who owns the other side?—Well, there are two owners on the opposite side. One is Dr. Thompson and the other is Mr. Wood. And on my side Sir Richard Musgrave.

6802. Do you all work together—you all preserve, of course?—We all preserve.

6803. What do these owners do with their fishings—do they fish themselves?—Well, I try to fish, as far as my age will allow me. The man on the opposite side is an enterprising butter merchant, and he lets the fishing.

6804. Who is he?—I believe, Mr. Daly.

6805. And he lets the fishing?—Yes.

6806. How much frontage has he?—I should say a little over three miles on the north side, perhaps less; and two and a-half miles, perhaps, on the south side.

6807. And he lets it to anglers?—He lets it to anglers.

6808. Then, Sir Richard Musgrave comes next?—Sir Richard Musgrave owns the water just above me, about a mile and a quarter in length. He is on the south side.

6809. You are on the north side?—No, I am on the south side.

6810. What does he do with his fishing?—He lets it to Mr. Daly. At one time it was let to me, but I had not sufficient energy to fish it and my own water.

6811. Is there anybody else of importance as we come down to the Duke's water? Witness—Above Lismore?

6812. I am coming down towards Lismore?—But you have neglected a very important fishing just above Sir Richard Musgrave's, which belongs to Dr. Drew—a very valuable fishing.

6813. Is he a resident proprietor?—He is a resident proprietor.

6814. What does he do with his fishing?—He lets it on lease to Mr. Logan, a man whose name you have often heard, no doubt. He is the present member for Market Harborough, and he has given up the remainder of the lease to an acquaintance of mine, Mr. Cochrane, who is at present in possession.

6815. Is that a valuable fishing?—Well, it costs Mr. Logan, I believe, also Mr. Cochrane, £800 a year.

6816. That is rent for the fishing rights?—Rent for the fishing rights.

6817. How many rods are usually at work there? Witness—At Market Harborough?

6818. Yes?—Scarcely more than two.

6819. What would be their best day?—I really could not tell you.

6820. Are they large fish?—Of course. The heaviest run of fish here in all the south of Ireland rivers that I know is from the 10th of December to the 25th of January, very heavy fish. My fisherman, a few years ago, caught one of them 45 or 46 pounds, and I killed one myself, about a year afterwards, 40½ pounds.

Dr. Mahaffy.

6821. When does the red-fishing open?—The first of February.

6822. And you say the heavy fish run in December?—They do, unquestionably. They run from about the 10th of December to about the 25th of January; and the majority of these fish, as we can prove, fall down to the sea again about May, from the end of April to the middle of May. That is the experience here from marking the fish.

Mr. Justice Ross.

6823. Oh, you do mark the fish?—Yes. Permission was obtained from the Fishery Department to mark them.

6824. And they were caught on the way up?—Yes; the early fish are going in February. In February when the netting commences many of these fish are going—magnificent fish.

Dr. Mahaffy.

6825. A great many get up before the opening of the red-fishing?—The great majority are killed by nets.

6826. Do you tell us that they are killed between the 10th of December and the 25th of January?—Oh, no, they are not touched. They cannot be.

Mr. Callender.

6827. The upper waters of the river are well stocked before the season begins?—I won't go so far as that. I say that, with my experience is decidedly to the effect that the Careyville water is well stocked with fish before the fishing begins. I think all the waters in my immediate neighbourhood are not well stocked, for a certain reason, that is, that the fish run through.

Mr. Justice Ross.

6828. Then, coming down to Lismore, we have the Duke's fishery that you have told us about. I observe there is a river called the River Bride that runs to the Blackwater. Is it a salmon river?—Yes, and it should be an excellent one if preserved. It is nothing like as good as it should be.

6829. Who has it?—The greater part of it belongs to his Grace the Duke of Devonshire.

6830. Has he sold the land there to the tenants?—He has sold property round there, and I think sold the property abutting on the river, but I am perfectly certain the Duke never sold all the sporting rights.

6831. Is it a good trout river?—Excellent; one of the brightest trout streams I have ever seen.

6832. You are also a trout fisher?—Well, I commenced at 12 years of age.

6833. The Blackwater was a good trout river?—It was up to a few years ago, and then an odd accident happened which ruined the trout fishing. Seven or eight years ago a fisherman from England brought a canful of live dace to be used as bait for salmon and pike. The fisherman, it appears, knocked over the can. There was a flood in the river, and the can was carried away, and the fish got out of the can, with the result that the river is now simply swarming with small dace, and the trout are living exclusively on them, and for the last three years when I used to see hundreds of trout rise they won't rise now.

Dr. Mahaffy.

6834. The trout are there, but they won't rise?—Yes; they are lying exclusively on the dace, and they will take nothing else.

6835. Were the dace propagated?—In millions.

6836. I never saw dace in any other Irish river?—They are here now by millions.

Mr. Justice Ross.

6837. Does the river suffer at all from pike?—Oh, yes, there are a good number of pike—a good number, yes.

6838. Has any systematic effort ever been made to destroy the pike?—Not that I am aware of, except by red-fishing, and I think it would be rather a dangerous thing to allow other means.

6839. Are there carpenter on it?—Yes.

11th September, 1911.] COLONEL THOMAS T. STONEHOUSE, C.B., &c.—continued.

[LANSMORE.]

Mr. Justice Ross—continued.

6840. And they do a lot of harm?—I think so. An expert says a salmon requires 14 pounds weight of fish a day to keep him going.

6841. In any reward offered?—Well, a shilling a head.

6842. That ought to be effective?—I don't think it is effective at all. We are not very successful in this part of Ireland. We don't want to take out a heavy gun and walk along the river on the chance of shooting a salmon.

Dr. Mahaffy.

6843. Have you any other way of dealing with the salmon?—I don't think there is, unless you had the battie armed with guns.

6844. Where do the salmon breed?—On rocks on the sea coast, and also on rocks in lakes. You may see them in Killarney lakes in hundreds.

6845. Could not the nets be destroyed?—It could be done very easily, especially in the Killarney lakes. Any small boy could do it.

Mr. Justice Ross.

6846. Then you can tell us if there are any other rivers of importance. I see there is the Finnisk river. Is it a salmon river?—A few salmon run up, a fair number of peat, but it is a river that is not in any way protected—in any way whatsoever. It is poached most thoroughly.

6847. To whom does it belong?—Part of it belongs to our late High Sheriff, Colonel Grove White, and part to Mr. Munster.

6848. There is another river called the Liskoe?—I don't know it.

6849. Do sea trout come up the Blackwater?—They come up in great numbers when the water is suitable as far as Lismore Bridge, but rarely ever go beyond the weir—scarcely if ever.

6850. Now, coming down to the estuary, I suppose there is plenty of netting going on there?—Well, to begin with, if you will allow me, the Duke of Devonshire fishes as far as above, I think, half a mile below Cappoquin Bridge. Then Sir Richard Musgrave, of Tintern, has the right to fish. I rather think that right has been acquired by the Duke—on what terms I don't know. Then comes the very important fishery of Dromana, which, so far as I know, is entitled to fish 14 haul nets and a considerable number of otter nets. Now, in connection with all net fishing in this river, I may tell you here that I have tried to study the fishery laws of Ireland, and I assure you I cannot understand what they mean as regards netting. The intention, I believe, is that the nets should leave a certain portion of the river free, up which fish could travel. That portion of the river to be left open is not a shallow bit of water, but the deep water through which fish are in the habit of travelling. Now the Dromana nets fish the whole way across the river. Every day I go down by boat, by motor, or by car I see nets there fishing the entire way across the river.

6851. What kind of nets are these?—Well, they are nets that are put in out of boats, and they are hauled across the river.

6852. They are fixed to a post?—Oh, no, no, they are not fixed. If they were we could snap them.

6853. Are they drift nets?—No, drift nets.

Mr. Green.

6854. Where is it that you are speaking of?—At Dromana, a very important property, and an important fishery. But there it is. Wherever I see nets working in the river they are working the whole way across; and, as far as I can understand the fishery laws, the intention is that they should not do so.

Mr. Justice Ross.

6855. But the length of the nets was limited by an order of the Department?—I don't know about that.

6856. How wide would the river be up there?—At Dromana, when the tide is out, it would be perhaps 150 yards wide. When the tide is up it would be perhaps over 200.

6857. Are you not speaking of the drift nets used there?—Drift nets.

6858. What is your remedy for that, or what do you suggest?—Well, I suggest that the law should be

Mr. Justice Ross—continued.

amended, if it was possible, but I suppose it is impossible to amend the law now.

6859. Our business here is to inquire, and if we think the law ought to be amended in the interests of the fisheries generally in Ireland we are prepared to make suggestions; so we should be glad to learn what are your views as to alteration of the law or otherwise?—My suggestion is this, that suppose a river is 100 yards wide, at least 10 yards of that river in the deep water should be left unobscured by the nets; and in a river 200 yards wide, 20 yards should be left unobscured by the nets.

6860. Then, coming further down, to the tidal waters, we are told considerable netting goes on there?—Oh, yes.

6861. Tell us shortly what you think about that?—I think that the Duke has an unquestioned right to use as many nets as he likes there, and you can't stop him; and there are other places too.

Dr. Mahaffy.

6862. But, of course, it is the Duke's interest that salmon should go into the river. If salmon didn't come into the river he would lose money, and it is his interest, naturally, that salmon should come into the river and should go up to Lismore?—I think the Duke has about 54 nets fishing at Youghal. Those nets are supposed, and I believe fairly accurately, to average about £20,000 per annum in the take of fish—£25,000 per annum; and the Duke doesn't get £400 a year for that.

Mr. Justice Ross.

6863. Now, supposing that more watchers were required for the upper parts of the river, of course more funds would be necessary. Have you any suggestion to make to us as to how the funds could be procured?—No, I have not. I don't see how you could expect the State to help us.

6864. What would you say to raising the amounts of the licences?—I think it would be a very good thing if you put up the amount of the net licence very considerably. I am quite certain that they don't pay enough at present.

6865. You think the man could afford it?—I don't think at all, I am perfectly serious of it. I have given you an instance of it. Fifty-four nets take £20,000 worth of fish a year.

6866. What would you say to putting a small licence on trout fishing?—Well, I don't know. I don't think it would be very much good. There are very, very few trout-fishers working on the Blackwater in this neighbourhood.

6867. It would not bring in much?—Oh, no, very little. It would only cause trouble, and I don't think it would be worth it at all.

6868. Have you any other observations to make, or any suggestions?—Yes, I have, sir.

6869. Then let us know them?—In a long river like the Blackwater, I think it would be very conducive to the benefit of the whole river if the weekly close time could be made progressive. For instance, the fish that escape at Youghal at present during the weekly close time of Saturday and Sunday, in certain stages of the water, are taken either at Dromana or at Lismore. I would suggest that, if it is practicable, the close time should be made progressive. For instance, that at Youghal fishing should be prohibited on Saturday and Sunday, and that at Lismore the weir and other fishing should be prohibited on Monday and Tuesday.

6870. You say that once the fish go up they are caught in the nets at present?—Yes.

6871. Then you would carry your close time up the river?—I would carry it progressively up the river in all long rivers as well as the Blackwater.

6872. I understand that. Now, have you any other suggestion to make, or does anything else occur to you?—It occurs to me that the Fishery Department, I think, have acted generously and wisely with regard to our hatchery. I think the hatchery has a most extraordinary effect on the fishing.

6873. Tell us about that?—There is no question that for some time, since the Lismore hatchery was established, the fisheries have derived a very great advantage

Mr. Justice Buss—continued.

from it—a very great advantage. Now, for instance, this year Yeovil has had a second season. They have none, in the memory of man, taken so many fish as in this year; but I submit that the red fish are in certain parts of the river have not derived any benefit, for the simple reason that the fry from Llanore hatchery are all put into the tributaries at or above Mallow, and those fish all try to get back to where they were put in, but, as far as the netting is concerned, there is no doubt that the nets have derived an enormous benefit from the hatchery.

6894. I suppose the number of anglers is very great on this river?—Well, at present, but for next spring months, February, March, April, when the killing hatch in Lansdowne Weir is open, I don't think, if you were to give any money, you could get as much fishing here above Lansdowne, or up to about Mallow.

6895. Have you any suggestion to make about the money paid by anglers for licences?—All that money at present goes to the Conservators, and I think it is very ably spent. I think it is well spent.

6896. But when a man takes out a £1 licence, not for this district at all, he can come here and fish here and get benefit and anything?—He can, and I think that is wrong.

6897. What do you suggest?—I think it would be better that there should be a local issue of licences.

6898. Are you asked?—Oh, yes.

6899. Does the rate seem to be proportioned to the value of the property?—Upon my word I think it is, but, if some other riparian owners would agree, I would not mind paying ten times the present rate if the fishing were improved. As a matter of fact, my fishing, for the last ten years, has gone down, and down, and down, and is getting worse.

Dr. Mahaffy.

6890. Where you fishing is, is the river so broad that the red fishing on the opposite side is distinct from yours?—Oh, yes; except in such very low water, as at present, when it is from 40 to 50 yards wide.

6891. Sufficiently wide to allow the red fishings to be distinct?—Yes.

6892. How far does that go?—Certainly up to Careyville.

6893. What about Courtenay?—That belongs to Lord Lovelock, and a very beautiful bit of fishing it is.

6894. It is wide enough there?—It all belongs to him on both sides. Both sides Lord Lovelock has up to about a mile from Courtenay House, and above that one mile of fishing on both banks, taken by a friend of my own, Mr. Bodington.

6895. And on both sides, where there are different owners, it is all distinct?—All distinct.

6896. Mr. Daly's right to fish does not interfere with you?—Oh, no.

Mr. Childerswood.

6897. About those trout purchases in the upper part of the river, can you give us any idea how many there are (you speak of some above you)?—I should say there are about a dozen; roughly speaking, a dozen.

6898. You referred to a man who had a very considerable run for angling there. How much stand might a man like that have on the river?—Three-quarters of a mile one time, and two miles above him, perhaps, five or six hundred yards each. In a case like Kerry, the most valuable fishing I know, one man has got a large sum for his fishing, and his franchise to the river is not more than 500 yards.

Dr. Mahaffy.

6899. It depends on whether it is a good stand?—Yes.

Mr. Childerswood.

6900. I should like to know how much franchise there may be on that part of the Blackwater owned by trout purchases, altogether. Can you give us an estimate?—Well, I should say, on the south side, there would be between a mile and a half and two miles, roughly speaking.

Mr. Childerswood—continued.

6901. Are they all on the south side?—So far as I know, yes.

6902. Then, are I right in supposing that those trout purchases have not purchased the fishing rights?—Some few of them have. The majority, I think, had the fishing rights thrown in with the land without paying anything.

6903. Not if they had them thrown in, they did not pay for them specifically, but they obtained them?—They obtained them.

6904. But above that part of the river that you are speaking of, are there many trout purchases?—There are a good many above Ferny.

6905. Perhaps we will hear them further on?—Yes, I think you will hear from Mr. Latham.

6906. Can you tell us more particularly about those dropped fish that were marked?—Well, some few years ago Mr. Godfrey, who looks after the fishing, or to a certain extent looks after it, got permission from the Fishery Branch of the Department to net for gravel fish in the hatchery, and, when doing so, several of the early run fish were taken, and they were marked. Well, I think I got two of them about 4½ or 5 miles above where they had been returned to the river. Early in February, when the nets were being used, a considerable number of those marked fish were found down the river near Cappoquin.

6907. And when were they marked?—They were marked, I think, at the latter end of November or beginning of December.

6908. At Lansdowne?—At Lansdowne.

6909. And you got some of them about four miles up the river?—Yes, and I think, so far as I know, there were only one or two of those marked fish taken.

6910. And when did you catch them?—I caught one in March, I think. I can give you the exact date, or send it to you, when those fish were taken. I may also mention that I don't think those very heavy fish ever go farther than Careyville.

6911. What is the reason of the fish not going farther than Careyville?—I could not tell you of all, except that it is just possible that those very heavy fish may not come to face the ladder.

6912. There is a weir there?—There is a weir there, and, until a few years ago, the fish had no chance of going over it except when the water was fairly high, but now, for the last three years, very wisely a ladder was put into it, and since then the riparian owners and the fishermen above have derived a great advantage.

6913. Has this ladder an easy gradient?—It has an easy gradient, and is very well constructed. I don't think the gradient has so much to do with the matter. I think it is the access to the lower part of the ladder where it reaches the water that will induce the fish to ascend.

6914. You may have a pass of a net, but it is necessary that the fish should find their way into it. The spring fish ascend there?—Oh, yes, they ascend it to dooms.

6915. Where do these early run fish that go to Careyville, spawn?—Oh, they don't spawn at all. They all drop down before they spawn.

6916. You think they all do?—I am perfectly certain of it. What induces them to come into the fresh water I don't know. It can't be the instinct of spawning because they come out of them time. They come, as I say, in December and January.

6917. Of course, it is quite certain that in certain localities the early run fish like that don't drop back, but remain in the river and disperse, and therefore those fish, after they drop back in this locality, according to your statement, come up again?—Witness—Do I understand you, in the same season? We have never been able to prove that, and it is a matter of great importance that we should be able to prove it, and my own impression is that those fish that we call droppers do take to the sea in the end of April and beginning of May, and come back again in the winter season to spawn.

6918. That is just an opinion?—That is only an opinion.

6919. I want to ask you about the Board of Conservators also. How many Conservators are there here?—Mr. Deane can give you that.*

*See p. 295, q. 6927, of seq.

11th September, 1941.]

MR. THOMAS DOBBS, CHAIRMAN.

[LONDON]

Mr. Justice Ross.

6010. You are Clerk to the Lismore Board?—Yes.

6011. What expenses have you had?—About 17 years.

6012. How many men have you under you?—In the open season from 12 to 14, and in the close season from 30 to 40 and 45, according as they may be required.

6013. You think that is an adequate number?—Yes, with the aid of the police it is.

6014. You get great assistance, we have heard, from the police?—Yes.

6015. Now has the river been getting better or worse?—Better.

6016. When was the hatchery established?—Well, the Lismore hatchery is going on for a few years, and there is one established at Bockmills—that is at work for three or four years now, and we have one going on at Mallow for two years.

6017. What is your opinion of the effect of the hatchery?—I am certain that it has a very good effect, and if there was nothing else to stock the river the quantities of fry that have been put out from the three hatcheries in the last few years I think would be sufficient to do it.

6018. They would stock the whole river?—Yes.

6019. If there were no spawning beds at all?—Certainly.

6020. How many did you put down?—I put out three-quarters of a million fry from Mallow last year, and I put out 600,000 from Mallow this year. Last year was a bad year for getting spawners, but I think we may be able to put out something about a million and a quarter the next time.

Dr. Mahaffy.

6021. How would you count the million and a quarter?—We have a way of counting them. They are measured in a glass measure.

Mr. Justice Ross.

6022. Who do you think would get the benefit of that?—I am sure it is a great help.

6023. And a great benefit to everybody?—Everybody.

6024. Both the net men down the estuary and the anglers higher up?—Yes; and it suits two ways, for this reason, that every salmon you catch is practically sold, and, of course, he is worth a pound at any rate, every salmon that is caught for artificial propagation that goes back to the sea.

Dr. Mahaffy.

6025. And why has not the net fishing improved more?—I can't say that it has not improved, sir. I am certain it has improved.

6026. Colonel Sturges's evidence is the other way?—Very well, sir.

Mr. Justice Ross.

6027. You never get two people to agree about fishing. Now, about this Board of Conservators, how are they appointed?—There are six conservators for the tidal waters and six conservators for the fresh-water portion of the river. These, of course, must be qualified by being resident in the district and that sort of thing, in the tidal water all the same as the fresh water.

6028. And the members attend?—Oh, yes, they come, and they help in every way. We have a good many ex-officers including the Duke of Devonshire and the Earl of Warwick.

6029. Now, as to the ex-officers, is there much difference of opinion between the ex-officers and the other members?—None whatever.

6030. They all work harmoniously?—Certainly.

6031. And then there is not here what we have found elsewhere, any great conflict between the net men and the anglers?—No.

6032. Now, about your funds—Having regard to what you say about the hatcheries, you don't seem

Mr. Justice Ross—continued.

to think that the protection of the spawning beds is of such vital importance as we have found elsewhere?—Oh, I do, but I think we have an ample supply of funds for that.

6033. You think you have?—Yes, but if I had a little more, say, £100 a year more, I think it would be a great help.

6034. How would you propose to use that £100 a year?—Well, they have very good seasons in the tidal water, and I think if £1 each were put on the drift nets and druck nets, and 10s. on the snap nets, it would be a good thing. The drift nets and druck nets only pay £1 now, and I think it would be well if you put £1 on the drift nets and druck nets, and 10s. on the snap nets, which only pay 3s. now. That would be £2 for the snap nets.

6035. Do you think that the men themselves would understand that it would be for their own benefit?—I don't think they would object to the least.

6036. One fish would pay the difference?—One fish would very often pay it. They had a great season this year.

6037. Do you know anything of these tenant purchases that are coming into circulation that have acquired fishing rights?—Well, we have had a good many of that sort. We have about a dozen who purchased within the last few years, and there are all above Mallow.

6038. And have they all let their fishings?—Oh, they have them all let, at a big figure, too, some of them.

6039. And then they know the value of the property they have acquired in this way?—Certainly.

6040. Most of those tenants are, I take it, tenants with a considerable river inclosure?—Yes.

6041. Have you such a thing as a large number of small tenants with small river frontages?—Yes.

6042. What do they do—do they continue in order to let their fishings?—No. One man has taken part of Lord Lister's fishery on both sides where the tenants have purchased. He has taken about six miles altogether, a gentleman from London. Mr. Bodington is his name. He has it rented from Lord Lister and his tenants, and other tenants have let fishings to different gentlemen who have come along.

6043. You know, of course, the ratings of the fisheries all along?—Yes.

6044. Do you think that the rating is in proportion to the value of the fishery?—That is a thing that, my lord, I can't ever express on the Valuation Department.

6045. I would like to have your views upon it?—My view of it, and my experience of it, leads me to think that the valuation should be in proportion to the value of the fish captured. For instance, you will find a gentleman up the river who catches a big lot of fish and sends them away, and pays nothing only 8s. or 10s. a year, and I think he ought to be assessed on the value of the fish he captures.

6046. Or might capture?—Or might capture. You might take statistics from this year and hence out a table.

6047. On what principle do they go?—I don't know. I think it is on the letting value of the fishery that the rate is.

6048. Are those tenant-purchases rare?—I suppose they are?—Yes.

6049. Has their rate been recently made?—Yes. As they purchase I submit their names to the Valuation Department.

6050. And they send down somebody to make the valuation?—They send down their rating officers.

6051. And you would know what was done?—In some cases the valuation was left as it was, and in other cases it has been reduced.

6052. Now, would you tell me have any of the selling landlords reserved their rights when the sales took place?—Yes, only one or two, I think.

6053. Not many?—No.

6054. The vast majority allowed the fishing rights to go?—They did.

6055. Do any of the tenant purchasers use nets in the river?—No, but I believe they think they can.

6056. If they began doing that it would be the end of the whole business?—Yes.

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Mr. Thomas Deane—continued.

[LAWSON.]

Dr. Mahaffy.

6957. You would have them rested according to the fish they get?—According to the value of the fish taken.

6958. How would you find out that?—It is quite easy, and I would be able to hit on an average, because the men or myself might be in the way, and I would be able to see the fish being sent away and get the names of those who sent it.

Mr. Justice Ross.

6959. And where are the fish sent from—where are they shipped from?—From the railway station. I could quite easily find that out, or near as I could go to it.

Dr. Mahaffy.

6960. Fish are often sent by post?—Yes, sir; but a very small portion. Of course we have a way of finding out the quantity of fish captured. As a rule they never decay it.

Mr. Justice Ross.

6961. Now, have you any suggestion to make to us as to how this river could be improved?—Well, except you increase the licence duty on the nets.

6962. That would give you another £1000?—Yes; that is as much as you would get.

6963. And you think if you had that additional £100 you would do very well?—I think so; because we have done a great lot of improvements, and we have extraordinary weirs that were never contemplated, and we have completed a hatchery, and we have made fish ponds, and we have done big improvements, and we have increased our staff and our appliances. On the tidal water we have a steam launch, and we have a place to keep bullocks.

6964. So you control the fishermen on the tidal waters?—Certainly.

6965. What do you think about the length of the drift nets—see you drifted with them?—Well, I am satisfied. Of course, drift nets of 200 yards out in the sea and a great part of the tidal waters are not a very serious matter.

Dr. Mahaffy.

6966. But did you not hear the evidence of Colonel Simpson about Devonport?—Yes, and I am afraid that the difficulty would be to deprive them of a right that has been exercised for years, and I think you must take into account that there are high woods on both sides of the river.

6967. Is there excessive netting of fish at Devonport, in your opinion?—But it has been carried on there by arrangement between the Duke of Devonshire and the Stuaris. It has been going on for years.

Mr. Justice Ross.

6968. They are perfectly entitled to do it as the law stands?—Yes.

6969. But do you think it is so very deleterious that it ought to be interfered with in any way?—Well, I don't think it would be reasonable to interfere with it.

Mr. Green.

6970. Has the cod fishing got much less than it used to be on that part of the river?—Well, I couldn't say that. They have been reduced only by two or three.

6971. But the cod fishing was very general on that part?—It is general still.

6972. It is less than it was?—It is less on the Beide, but not on the main river.

Mr. Justice Ross.

6973. Do you agree with what we have heard from Colonel Simpson about the effect of letting dace get near the river, as regards trout fishing?—I didn't hear it.

6974. He said that the trout fishing had been almost destroyed by an accident that occurred some time ago, when a canal of dace had been let fall into the river, with the result that they have multiplied so much that the trout feed on the dace and won't rise?—I have no experience of that.

Dr. Mahaffy.

6975. Did you ever see dace?—No, sir. I know that some people put rainbow trout into the Beide, and I think they were all captured very soon.

Mr. Justice Ross.

6976. Do you know anything about this river Beide?—Yes.

6977. Has the Duke received the fish in that (I believe it has been sold to tenant purchasers)?—Yes, the Duke has, I believe, reserved the rights; but there is no fishing on it, or a very small amount.

6978. It has no salmon?—Well, very few salmon.

6979. But it has fine trout?—Yes, the best.

Dr. Mahaffy.

6980. Sea trout?—No, brown trout. The sea trout go as far as Tullow, but no farther.

Mr. Colderwood.

6981. What is the total number of fry that are annually put out?—I say three-quarters of a million were put out from Mallow last year.

6982. I want the total?—I think the total is 4,000,000 from the three hatcheries last year.

6983. How many in the previous years?—I could not exactly say, but I would be able to find out from Mr. Godfrey, who is here, or from the Department.

6984. Can you tell me when your hatchery began here?—About seven years ago it was commenced here, that is, properly. It was carried on on a very small scale before that by Messrs. Foley.

6985. Colonel Simpson.—This is the tenth year.

Mr. Colderwood.

6986. When did you notice an improvement after that?—Six years.

6987. That was four years after your hatchery operations began?—Six years.

6988. Was the hatchery then on the same scale as it is now?—Oh, it was not so extensive.

6989. About how many fry did you put out during the first four years, as you tell me?—I couldn't exactly say, but I should say there would be about two millions.

6990. It seems to me that you have here probably evidence of some ignorance, which is very difficult to obtain in other localities, and I should very much like to have it.

6991. Colonel Simpson.—Some years over three millions.

Mr. Justice Ross.

6992. Your evidence is that it was four years after the hatchery began that a marked improvement was noticed?—Yes.

Dr. Mahaffy.

6993. And do you say there was a marked improvement in the cod-fishing during that time?—Certainly. When Lord Warwick came over they could get very few fish at Carrigrohilly, but they can get from five to six hundred now.

6994. My experience at Carrigrohilly, forty years ago, was that we sometimes got 10 and 12 fish in a day, and that is better than anything now?—They say it has been as good for the last two or three years as ever it was. Mr. Hamilton Stobber, on the night of the 11th of May, told me that he had hooked his five-hundredth fish in Carrigrohilly in three months.

6995. Col. Simpson.—This year the take at Carrigrohilly was 360 below the average of the last five years. My authority for that is Mrs. Jamieson, who told me on the 20th of May.

Mr. Green.

6996. Hasn't the making of the fish pens in Carrigrohilly deducted something from the fishing at Carrigrohilly?—Yes, it has, in favourable floods.

6997. Hasn't there been a great improvement at Mallow?—Yes.

6998. The improvement at Mallow is quite of a recent character?—Oh, it is. Of course both weirs at Ferry and Chardians were repaired in succession.

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MR. THOMAS DOUGLAS—continued.

[LOWERS.]

Mr. Justice Ross.

2009. I gather that there is not much poaching on this river?—Well, there was a big lot of it, but the law has been put in motion against it.

2010. And you have it well in hand?—I have.

2011. And you have been obliged to have prosecutions, have you?—Yes.

2012. Have you had many prosecutions?—Yes.

2013. How many?—We have had more on the tide waters this year than ever we had. Of course the fish were plentiful, and when there is fish I suppose there will be poaching. But as to poaching the spawning salmon, except in the extreme west of the Co. Kerry and the Co. Cork, I haven't any reason to complain.

2014. Then both the weekly close time and the big close time are well observed?—Yes.

2015. Is the poaching there done by people with licences?—Yes, nobody else. Nobody else will poach in the weekly close time except licensed people.

Mr. Calderwood.

2016a. Have you trouble amongst the tenant purchasers in any way?—Oh, no. Of course if they resort to netting, I think something should be done to prevent it, because if they commence netting the whole thing is up. Of course, personally I am opposed to anything in the shape of netting the fish in the fresh water.

Dr. Mahaffy.

2016. Except with the rod?—Except with the rod.

2017. And is not prevention better than cure in this matter as in others?—Yes, and the men above and below all have to be considered. They all want fish.

2018. Now in the case of these net fishers and people below, is co-fishing their whole means of livelihood?—Oh, no; there are none of them depending solely on it at all. They have a bit of land and all that sort of thing; and many of them are extensive farmers, tenants of Stewart of Drumcree, some very big farmers. My lord, in reference to this thing, I heard of complaints about reduction of penalties in other places. Well, now, I really have no reason to complain of that, and in every case where a reasonable application was made by a man who was entitled to a reduction, the Conservators are good enough to make a recommendation, but his Excellency does not, as a rule, reduce the fine where it is reasonably put before him that it should not be done.

Mr. Justice Ross.

2019. Well, this is the first place where we have not heard a complaint about that. We had complaints elsewhere of people who objected very strongly to the reduction?—I know that the complaint is very general all over the country.

2020. But you think the reductions have been reasonable?—Well, I think they are. I have no reason to complain on behalf of my Board in that respect, because I had the handling of the thing and I got very reasonable fines always imposed.

2021. And the magistrates do their duty?—I have no reason to complain of the magistrates at all, not a bit. Even in the wildest locality where they never saw a salmon, except in the spawning season, they are the readiest to enforce the law.

2022. Just before you go, have you any other suggestion to make, as some of our questions may not cover the whole matter. Have you anything to suggest for our consideration?—Well, I have not; except, of course, that I would like some provision should be made in the annual close season for better policing of the west of this district. I am only referring to what I know myself, that is, the west of this district, and my reason for that is that since the Arms Act was revoked every man that wishes has arms there now, and therefore it is a great spawning locality, and it is a thickly populated locality where people are bring almost down to the banks of the river.

Dr. Mahaffy.

2023. Where?—Both in the County Cork and in Kerry, both above and below it, and west and north of Keshmark.

Mr. Justice Ross.

2024. What do they do?—They can kill the salmon there with impunity. They are living in little glass there, and owing to the fact that they have the use of these arms the barflies are afraid to come there.

2025. Owing to the arms the barflies are afraid to interfere with them?—Certainly.

2026. And do you not have the assistance of the police?—No. I am sorry to say that there was a number of police barracks established there and kept there for many years, but they were broken up lately. Hence we have no protection.

2027. But what police there are do their duty as well as they can?—They do.

2028. The portion of the fine in fishing cases that went to the police now goes into the common Constabulary fund?—Yes.

2029. But the old plan was to recompense the prosecuting constable for all the trouble he had in watching by night, so that he should get something himself. What do you think about that?—Before that new regulation every man that made a capture in this district received the full amount of the fine, and anything else I could give him, and I think the same practice should prevail still. It is not right at all to reward the man that sits in the corner and does nothing, because if he happens to be present with a body of two or three other policemen he gets his share.

2030. But the man that actually has to do the night-work ought to get it, and it is often by night and most dangerous work?—Yes.

2031. You think that he should be specially rewarded?—Certainly; and, notwithstanding the regulation, he has been rewarded by my Board.

2032. Does your Board continue that?—Certainly. Where a fine is not paid or anything else like that, and a constable distinguishes himself and helps a poacher to justice, my Board give me permission to reward him as liberally as they can afford it, and then they give any of the police who are fishermen a complimentary licence; and we treat them liberally, and, when we possibly can, with kindness, and we have the full benefit of their services from the District-Inspector down.

2033. Is there anything else you would like to say?—I don't think so.

Mr. Calderwood.

2034. How often does your Board meet?—Once a month.

2035. How many do you get to attend once a month?—Sometimes we will have a dozen and more those they might be away on their holidays; but, as a rule, whenever there is anything of importance a good many attend.

2036. You have no difficulty in that?—Not a bit. I have the co-operation of every member of the Board if I wanted.

2037. Do the ex-officio members attend?—Certainly. They all co-operate, and their influence amongst the people to a great extent has a good effect.

Mr. Green.

2038. I think you have confined your remarks to the Blackwater, from Youghal up to its source, and you have given us all that can be said on it?—I think so.

2039. Tell me, have you any trouble outside the Blackwater as regards the run of salmon to the Blackwater?—Well, of course, we have to keep a supervision; but I don't know how you could stop illegal fishing more effectually than we have done. We haven't had very many attempts till this year. At the commencement of last fishing season we had a great many attempts. We got a number of nets there and we made them pay, and we made big captures from the places where they put them down.

Mr. Justice Ross.

2040. Have you captured nets?—I have captured more nets this year than ever I did.

2041. And the nets are very expensive?—Oh, they are made to buy them.

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Mr. Thomas Dawson—continued.

[LEWIS.

Mr. Justice Ross—continued.

7032. And they don't like that?—No. It costs them about £12 or £13 for a net 300 yards long, and when you get twice that number of yards it will cost £20 with the loss of the gun also.

Mr. Green.

7033. And had you no prosecutions?—A great many of them I had, but in many others I was not able to come at them.

Mr. Thomas Dawson, examined.

Mr. Justice Ross.

7034. Where do you live?—At Ballinacree.

7035. Is that on the river?—About six miles from here on the south side of the Blackwater, opposite Macdip.

7036. Are you interested in fishing?—Yes; I have a little fishing on the Blackwater.

7037. Are you a fisherman yourself?—No, I am not. I let it.

7038. Are you a tenant purchaser?—Yes, I have purchased the place for the last four years.

7039. When?—About four years ago.

7040. Who was your former landlord, what estate?—Bennett and Fearick.

7041. Did they reserve the rights, or did you get the rights?—Well, my father had the rights and I had them also.

7042. Was he a leaseholder?—He had a lease for life, renewable for ever.

7043. It was never turned into a fee-farm ground?—Never.

7044. And that was the state of affairs when you purchased?—Yes.

7045. And the fishing not being reserved out of that old lease, your father had the right of fishing?—He had.

7046. I understand. Now, during his time, how did he use it?—He let it to an English gentleman.

7047. Tell me what amount of river-frontage he had?—Witness.—You mean as regards the rent?

7048. The frontage?—Oh, about three-quarters of a mile, on the south side.

7049. Were there good stands on it?—Very good. They were used.

7050. And the anglers got plenty of fish?—Yes, plenty, in years gone by.

7051. And since you have bought it the same state of things, I suppose, has gone on, and you have let the fishing?—Oh, I have, but I have a good deal of trouble in letting it at the present time.

7052. I thought there was a considerable demand?—Well, as regards spring fish, it is very good; but from the 1st of May down I didn't see two fish this year, and I live on the bank.

7053. Before we come to the particulars of that, do you think the fishing generally on the river is better or worse than it used to be?—Oh, it is much worse, sir; too much.

7054. You lived with your father all your life?—Yes, I have lived on the bank, I may say, all my life.

7055. You farm?—Yes; I have a farm adjoining.

Mr. Green.

7056. Are you above or below Carrysville?—Below it; between five and six miles below it, opposite Macdip.

Mr. Justice Ross.

7057. Now, you have given me to understand that the fishing generally, both spring fishing and the fishing after the 1st of May, have both got worse than they used to be in your memory?—For the past few years the spring fishing has slightly improved, but the summer fishing is a thing of the past.

7058. It is gone?—Yes.

7059. Tell me what you think is the cause of the deterioration, as you see an intelligent man?—Quite the other way, sir. I will tell you what I have heard from experts. The Linnæus weir is the cause of the deterioration in fishing on the Blackwater—over-setting.

Mr. Justice Ross.

7060. The principal penalty was the loss of the net?—The loss of the net.

Mr. Green.

7061. Where were most of your captures?—Just in the coat of Cable Island.

Mr. Justice Ross—continued.

7062. Is there more netting than there used to be?—Well, I could not tell you, but I have heard it from men that fished the Blackwater for upwards of 20 years.

7063. All you know is that it has got worse?—Much worse.

7064. And from rumour you attribute the cause to these weirs?—Over-netting. I remember the time when we used to have six and seven applications for the year's fishing, and I find it very hard now even for the spring months of the year to get a tenant.

Dr. Mahaffy.

7065. Where does the tenant lodge?—He lives in Market Harbour, the present tenant being Mr. Logan.

7066. Is there any convenient house for gentlemen coming to live?—He lives in my house. I let portion of the house.

Mr. Justice Ross.

7067. You let portion of the house to Mr. Logan when he comes over?—Exactly.

7068. Tell me, are there many other tenant purchasers about you there?—There are two.

7069. Have they as large or a larger frontage?—Well, not as large a frontage as mine.

7070. Less than half a mile?—Well, it might be less than half a mile.

7071. What do they do with it?—They let it just as I do.

7072. To whom?—Well, these two neighbours of mine have let it to the same gentleman.

7073. Now, you need not answer if you don't like; but you have told me you have nearly three-quarters of a mile, and if you like to tell us the rent we should be glad to hear it, but if you prefer not I do not press you?—Well, it realised £75 at one time, and I am very glad to be able to find a tenant for £45 now; and were it not for this gentleman who has been coming for years, and it is more or less through his health that he comes to this country, I think I could scarcely get a tenant at all even at any price at the present day.

7074. The demand has gone down?—Very much.

Mr. Calderwood.

7075. That is altogether apart from the spring fishing that you were speaking of?—Well, as I told you, the summer fishing is no good. In the spring fishing, owing to Mr. Dawson's goodness and the lifting hatch he opened (and he pays £200 a year for three months' work), we have a bit of fish then; but good-bye to them from the 1st of May.

7076. So that this weir covers the spring fishing?—Yes.

7077. Have you heard any suggestion of a combination of others like yourself that are interested in the river in a serious way to protect your interests?—Well, there would be no good in that, sir. Where would we have to fight?

7078. I don't mean, to protect your interests against anybody, but to combine to see to your own immediate interests in the river?—Well, I don't see how we could.

Dr. Mahaffy.

7079. How much do you pay towards the conservation of the river?—Well, from the way my lease was drawn, I pay nothing.

7080. That is a very good bargain for you?—Yes.

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MR. THOMAS SCAFFORD—continued.

[LONDON]

Dr. Mahaffy—continued.

7081. If you are able to get a yearly rent out of the river, it seems reasonable that you ought to contribute also to the preservation of the river?—All right, sir.

Mr. Green.

7082. Is your fishing rated for poor-rate purposes?—I pay poor-rate on it, a big poor-rate on it.

Mr. Justice Ross.

7083. Is there a poor-rate on your fishing?—Yes, it is £15, and it was not more than that when I was getting nearly double the money.

7084. You have a large river frontage. Are there any small men with a good river frontage?—Yes, there are.

7085. It was with regard to that that the question was put by Mr. Calderwood, that in the case of small men it would be possible for them to combine. It would not be worth their while to let a little bit, but would there be a possibility of all of them combining to let to some man?—I think that they would be very much inclined.

7086. They appreciate the value of the fishing?—Yes.

7087. And none of them out on the river?—Oh, no.

7088. And there is no poaching on the river that you know of?—I don't think so.

MR. JAMES DAIN, examined.

Mr. Justice Ross.

7089. You don't trouble bees?—Very seldom. I keep a glass in Ballydoon, but I reside mostly in Cork.

7090. Are you a merchant in Cork?—Yes.

7091. And you have taken fishing here?—I bought under the Land Act four years ago the townland of Ballydoon, and the others I have leased. I do that largely to bring over English fishermen who would spend money in the place, and I have leased about three miles, both sides a mile and a half; so that I have in all about three miles of the Blackwater.

Dr. Mahaffy.

7101. Is there a hotel where they can stay?—No, but I build a house to keep them myself.

Mr. Justice Ross.

7102. So I take it you get a considerable rent for that important property?—I have been doing badly every year. I lost a great deal by it. This year I am doing better. There are some people coming over for the good of their health; he is a gentleman who comes here for the benefit of his health, and whose family like this cottage, as they have a lovely view of the Blackwater, and if the Blackwater was in a flourishing state it would be a mine of wealth. It extends over three counties, and both sides of its banks would be a great source of wealth, and those old fishermen have to run away out of the country because they have nothing to get for the rest of the year.

7103. To what do you attribute the falling off?—To what everybody attributes it—the high-class nets, the big nets, and the great number of nets there are between Youghal and Lismore. There are 83 of those drift nets, with the newest and most improved system of meshes; 17 drift nets, 19 snap nets, one pole net, 3 stake nets or stake weirs, and one box or cuth weir. These are worked night and day. Now, 20 years ago they only worked in the day time, but they are night and day at it now.

7104. Then you think that is the chief cause?—They have the lion's share.

Mr. Green.

7106. What do you mean by saying they work night and day—do you mean that drift nets didn't work night and day 25 years ago?—No, I am informed.

7106. Didn't they work night and day 50 years ago?—I am informed that they are only working night and day for 25 years.

7107. Mr. Davies.—I never heard of any restriction from the time they were established, or that there was any restriction at all.

Dr. Mahaffy.

7080. Is the trout fishing worth anything?—Well, it is not.

Mr. Green.

7090. Do you know anything about all those dams that were thrown into the river?—No, sir; I know nothing about them.

7091. Tell me this. I suppose the spring fishing with you has improved since Mr. Jameson put off the killing hatch?—Well, it has. I should say it is going up more than going back.

7092. And you notice a distinct improvement?—Oh, yes, especially for the last two years, but from the 1st of May till the 1st of August we have no salmon.

7093. That is the time the killing hatch goes on?—Yes.

7094. You said the fishing long ago was much better?—Yes.

7095. And then the weir was fished always?—Yes, but it appears they are more scientific of the present day.

7096. How do you account for it?—I couldn't tell you.

Mr. Calderwood.

7097. With regard to your valuation, did you say it was £15 or £50?—£50.

Dr. Mahaffy.

7108. Wouldn't they stop on Sunday and Sunday?—The nets stop on Saturday till Monday on the tidal waters of the Blackwater; but it is impossible for the salmon to get past Lismore in the 48 hours.

Mr. Justice Ross.

7109. In what way do you suggest that the netting has changed in the last 50 years?—The nets are greatly improved, and there is a better market for these fish, and the price of the fish has gone up, and according as people get a higher price for a thing they go in for a higher means of capturing it, just like a matter of business of any kind.

7110. Do you think that there is less netting now than there was 50 years ago?—There might be less now, but there is a better class of nets, and the thing is worked up closer, and it is gone into as a way of living much more now than it was then. The markets were not known in those times, and people didn't take such an interest as they do in salmon fishing. I could see, long years ago when I was a boy, these salmon dispersing themselves on the river in great numbers, and now after the 1st of May it is as rare to see a salmon as a whale in the Blackwater, they are so scarce. That is a great pity, because it is a lovely river, and I believe myself (and I own two sides of the river), I am advised that I can not fish if I care to do so, and I think the farmers would be great fools when that got to be known if they didn't join together and net-fish their own part, and then not leave a blessed fish for anybody. I think there should be no netting at all in fresh water, and that the fish should be caught in fresh water by no other means than the rod and line.

7111. Now, have you any suggestion to make?—Well, I would say to limit the length of those drift nets.

7112. Has not that been done already by a few of the Department?—Well, I heard Colonel Simpson, and he has been more in the way of it than I am. He gave an explanation of their fishing, and I know that fish that get up past Lismore are so scratched and torn that they never stop till they get up to Careyville; and I am told that the salmon when they get to Careyville can with great difficulty get further, and consequently the people at Careyville have a monopoly of the few that escape.

7113. When they get up that far they show signs of rough treatment from the nets?—Anywhere you get them they show the scratches of the net if they happen to be caught; but they go on there because they are frightened, and the bulk of them go on to Careyville, and there it is that the river would

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MR. JAMES DALY—continued.

[LEWIS.

Mr. Justice Ross—continued.

went to be inquired into and seen to by disinterested parties altogether, because the people above that, I think, don't get a fair chance. As for the people below, it is of no use to them, and the river gets the name of being a good river because they get a few fish there, a few arrabob and trout sellers that run along, so there will be some scolding out of every war.

7114. Have you any other suggestion to make?—I would be for abolishing those drift nets altogether, and they shouldn't be allowed on the tidal waters of any river.

7115. You don't consider the enormous interests in the fishing on the tidal waters. What do you think these people would say to that?—I think there would be plenty of fish for everybody if they only got them in other ways.

7116. How would they?—They have plenty of other nets. There are snipe nets, pole nets, stake weirs, box and crib weirs, and there are many ways of catching them.

7117. Then your remedy is very drastic. You would abolish all netting in fresh waters, and in tidal waters you would abolish drift nets?—I would. In several rivers already drift net fishing is abolished, and everywhere that that is done the river is very good. For instance, on the lovely Lee, plenty of gentlemen are fishing in every lock of it, and the Blackwater is there and nobody wants it, and the very name of the Blackwater stinks.

Dr. Mahaffy.

7118. Has there been any application made to the Fishery Department to stop netting in the fresh water of the river?—I never heard of any, but I make it myself at present. I laid out £800 in building a nice cottage, and I would like to see those gentlemen coming over from England and buying horses, and employing people and spending money. They don't seem ever to make money, and I suppose every salmon costs them £10, and I think they would be glad to pay more if they could get salmon.

Mr. Justice Ross.

7119. You are aware, of course, that the Department does not take action unless there is a petition?—They never look action any time I asked them. There are some of these Departments in Dublin and they didn't do anything for me.

Mr. Green.

7120. That is not the way. We got lots of applications from private individuals to make by-law and rules and regulations for their own benefit. That is not sufficient. If we got a memorial signed by five or six, or any number that you like, that will show

Mr. Green—continued.

that the thing is of general interest (and it is not always difficult to get up a memorial), and if such a memorial asks us to prohibit netting in the fresh water portion of the river, so from any point on it, that becomes a matter for consideration, and what we would do would be to send it to the Board of Conservators, and ask their opinion on it; and sometimes we take their opinion and sometimes we don't. But there is a way of doing the thing, and we want to be put in motion. We could not possibly go and hold an inquiry, and put a lot of people to expense, merely on getting a memorial from a single individual. We do get applications of this kind from people in various parts of the country, and we tell them that if they can show us that there is generally distress in the district, or something of that sort, we will act; and that is the only reason why we have not considered the matter at all with regard to the Blackwater?—Well, I think we are very sleepy here. They are very sleepy, the lot of them. They don't look after the river as they should do. That is my opinion. They let everything come from Providence.

Dr. Mahaffy.

7121. Can't you go up and down the river and preach to them?—I have a lot of business on hands. There is another matter on it that concerns us very much. I have the honour of being near Colonel Simpson's, and I thought it was the law, as it is in Scotland, that as long as you have your look to your own bank you can throw your look as far as you like; but I think a man should not go farther than the centre of the river when he casts his line. I had one of my fishermen fishing there prosecuted a few months ago for throwing his line more than half way across the river, and he got convicted, and I thought it was very hard lines, and no river could be fished if that law was carried out. If a man is to be prosecuted for casting to throw his line beyond the centre of the river you would want to have a special court every other day for throwing a line more than halfway across the river. The thing should work amply.

Mr. Justice Ross.

7122. I am told it is only a local law that prevails with respect to the river Tweed, and it is not all over Scotland.

Mr. Calderwood.

7123. It is a quite impossible law, but I don't think we should be asked to go into local questions. If it is not settled you will have nothing but courts here shortly to attend to it, for it will lead to disputes.

7124. Witness.—I give a return of the number of fish sent up on the Great Southern and Western Railway. [Return handed in.]

MR. JOHN COOMAS, examined.

Mr. Justice Ross.

7125. Are you a tenant purchaser?—Yes, sir.

7126. When did you purchase?—Four years ago.

7127. Who was your landlord?—Beamish and Fennell. I am under the same landlord as Mr. Stafford.

7128. Had you the fishing before you purchased, or did you acquire it?—I had it before.

7129. Then I think you must have held under a lease?—Under a lease for lives, just the same as Mr. Stafford.

7130. Lives renewable for ever, not a fee-farm grant?—Yes.

7131. And the fishing passed to you under that?—Yes, it passed to me.

7132. How long did you hold it, I suppose you got it from your father?—Yes, sir, something about 20 years.

7133. And I suppose you used it the same way in your time as it was used in your father's time?—Yes, the very same.

7134. How was it used?—It was let to these gentlemen coming across.

Mr. Justice Ross—continued.

7135. To anglers?—To anglers.

7136. Gentlemen coming from England I suppose?—From England.

7137. What is the size of the fringe?—Less than half-a-mile.

7138. Do you remember what used to be got for it in your father's time?—Well, I remember his having got £20 for it.

7139. And since you have come in have you got more than that or less?—Sometimes £15 less.

7140. Well, is the fishing getting better or getting worse?—Well, the fishing has improved for the past few years, the spring fishing only.

7141. Yes, but the spring fishing has improved?—The spring fishing has improved for the last few years; that is through Mr. Jameson, I think.

7142. You attribute that to what Mr. Jameson has done?—Exactly.

7143. But as regards the summer fishing, from the 1st of May?—The summer fishing is very bad; in fact there is no appearance of the fish.

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MR. JOHN COLEMAN—continued.

[LIMERICK.]

Mr. Justice Ross—continued.

7144. Have you let this year?—I have.
 7145. To whom?—To Mr. Logan, the member for Market Harbour.

7146. Do you know whether he has been successful or not this year?—Well, he has had very good spring fishing.

7147. Do you know how many fish he would get in a good day?—I don't know how many he would get I live some distance away, and I have a lot of business to do, and I am very seldom on the bank of the river.

7148. And I suppose you haven't formed any opinion as to what is doing mischief to the summer fishing?—The gentlemen and everybody here complain of it, and every man I let it to has complained of the Lismore weir as being the only principal obstacle to the fishing of the river.

7149. Are there any small terraces about holding any large river frontage?—Well, there is one close to me that has about 200 yards at the very outside of it.

7150. Are there many of the small ones about?—There are not many now.

MR. JOHN O'BRIEN, examined.

Mr. Justice Ross.

7151. Are you a fisherman?—Yes.

7152. Is that your principal occupation?—Yes, sir.

7153. Have you any other occupation?—No, sir.

7154. Where do you fish?—I am a fisherman at Macollog. For 50 years I am a professional fisherman (son of Dr. Drew's, Macollog Castle).

7155. Well, as this is your only occupation, you ought to be a valuable witness. Do you know whether the river is getting better or worse?—Well, it has improved for the last three years. It has improved in the spring fishing.

7156. What about the summer fishing?—Well, I got eight salmon since the 1st of May, on three miles of fishing on both sides of the river. I got eight since the 1st of last May when I got 108 for the first three months.

7157. Now, do you think it a good trout river?—Oh, yes, it is a good trout river, but it hasn't much interest to any gentleman that comes. They generally come for salmon fishing.

7158. Have you ever seen any dace?—Oh, yes.

7159. Are there any dace in this river?—Yes. Mr. Logan's secretary was the first that brought them over to me. He put them out in the river.

7160. Were you the man that upset the can?—No. There was a big flood came, and he had two times, and the flood swept away the time, and the summer after he got the two tin about a mile and a half further down, and they were open. Two years after I saw some little fish in the river and I thought it very strange; and now the river is swarming with them.

7161. But they are foreign fish, and I wonder they have not died out?—But they are doing no damage, excepting that the trout feed on them and they don't rise.

7162. Since that the trout don't rise?—They don't rise very well; and they feed on them.

Dr. McHugh.

7170. How big have they grown?—Six or seven inches long.

7171. About the size of a herring?—No, not as big as a herring. If they are half a pound it is the biggest of them.

7172. Has anyone tried trawling for trout with the dace?—Has been tried?—No, that has never been tried.

Mr. Justice Ross.

7173. What is the usual size of the salmon?—Witness—In the spring fishing?

7174. Yes?—Well, about 15 lbs. is the average this spring.

7175. And they go up, I suppose, to 30?—The biggest was 84 lbs., and the smallest, I think, 4½ lbs. or 5 lbs.

Mr. Justice Ross—continued.

7150. Do their holdings adjoin one another?—They adjoin one another.

7152. What do they do with their fishing, do they undertake to let it to one man?—One is let to a Waterford country gentleman, and the other fishing to Mr. Logan also, 200 yards of fishing.

7153. Is there anybody else there who has got fishing let?—No, sir.

7154. Is the summer the fishing is quiet, is it?—It is still in one fishing.

7155. What is the size of the river frontage?—About 400 yards.

Mr. Gwynn.

7156. Is there any stand on it?—There is not much fishing on it.

7157. Colonel Simpson.—If your lordship would like evidence of the dace that got into the river there is a fisherman in Court named O'Brien that could tell you about that.

Mr. Goldwood.

7156. During the spring?—Yes, 4½ lbs. The salmon run larger in this river for the past 8 or 10 years than they used in my young days fishing. The spring fish have a larger size and bigger weight.

7157. Do you know of any fish of eight or nine pounds in the spring?—Well, we do. The number of fish that we got this spring was 108, and I think there were certainly 15 of those fish that were taken with nets and had the marks of the nets.

7158. Any peal?—No peal came at all. All the peal was killed down here now, sir.

7159. Used you to get them?—Sixty peal would be got, and we used to average 100 for June and July, and now we have only got eight fish since 1st of May, and I think I saw three this year down at Macollog.

Mr. Green.

7160. How long is it since you had good peal fishing?—Oh, we haven't had good peal fishing for the past 8 or 10 years—perhaps 15 years.

7161. Was it good 20 years ago?—Oh, it was very good then, sir.

7162. Now, 20 years ago, what difference was there in the fishing from what there is now?—Well, 20 years ago I had great experience of that, for I did a bit of fishing in winter and I had to get fishing nets to make right nets of them, and the time was double as thick as it is now. It is very fine time now, and it would take half an hour to make a head. Both the drift nets and the others are all made of finer twine.

7163. That is the only difference that you can think of, that they use finer twine?—And they work harder now; and at that time the King's Gap at Lismore was nearly in the level above and below, and the peal used to come up through the gap, and now there is a big hole below, a deep pool, and the fish go into the killing hatch. The river wouldn't be worth suspense only for Mr. Jamison.

Mr. Goldwood.

7164. How long has that King's Gap been there?—I can't say.

7165. Colonel Simpson.—About 85 years. Witness.—You see it getting deeper every year, and the fish won't face the fall.

Mr. Gwynn.

7166. Is your fishing above Lismore?—Yes, about eight miles above Lismore.

7167. Colonel Simpson.—I think it right to tell you, my lord, that the King's Gap there was given a certificate by the Fishery Commissioners for its perfect construction. That turned out in a recent case in which the Duke was prosecuted for illegal fishing. Witness.—It is another great improvement of

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Mr. JOHN O'BRIEN—continued.

[LIMMERS.

Mr. Gwynne—continued.

the river, the big amount of spring fish that go through the killing hatch at Limmere. A tremendous lot of those fish go up and spawn. The April season has got better for the last two or three years; and so the salmon fishing is getting better; for what they breed here is only a drop in the bucket to what they breed up the river.

Mr. Green.

7188. Do any of the anglers contribute to Mr. Jameson's expenses?—No, sir. They did at one time, and I don't think he takes any now from us.

7189. They are all deriving a benefit, and he is paying for it?—Yes, but he is paying for his own sport; and of course he would have no fish, and I think he pays £200 for the first four months at Coreysville.

7190. It appears to me that there is a great deal of want of co-operation there?—I don't know about that, sir. Mr. Jameson may be thanked for the Blackwater at the present time. Only for Mr. Jameson no

Mr. Green—continued.

gentleman would come to fish it. I heard some people talking of making him a present of a cup.

7191. If Mr. Jameson went away?—If he left tomorrow, and if the Duke refused to sell the hatch to him.

7192. Do you think that the buying off of the killing hatch should be placed on public foundations then to be trusted to one man?—Yes.

7193. Colonel Stephen?—It should have been done, and I have been urging it for years and could not get the sportsmen to pull together. I suggested that the money should be raised by a public subscription, according to the retailable value of the fishery held by each riparian owner.

Mr. Justice Ross.

7194. Nobody will pay when they get somebody else to pay for them. When that person ceases to pay, then the others pay. Witness—Sure Mr. Jameson might do it himself only for the Budget.

Mr. THOMAS SULLIVAN, examined.

Mr. Justice Ross.

7195. Are you a fisherman?—Yes.

7196. Where do you work?—At Ballyduff, Mr. Daly's.

7197. How long have you been at this work?—About 20 years.

Dr. Mahaffy.

7198. You began very small?—Very small, something about three years old.

Mr. Justice Ross.

7199. Is the fishing better or worse?—Well, it is increasing in the past two or three years in the spring.

7200. The spring fishing is getting better?—Yes.

Mr. Justice Ross—continued.

7201. And the summer fishing is getting worse?—Getting worse.

7202. Have you noticed anything about the fish that have been taken like marks of nets on them?—Oh, yes, nearly every fish we catch bears the marks of the nets on them and the blood round it.

7203. Marks of drift nets?—Marks of drift nets.

7204. Have you anything to add to what the other witnesses have told us?—No.

Mr. Colclough.

7205. Do you support the statement about the peal?—Oh, yes.

Mr. J. E. PARSONS, examined.

Mr. Justice Ross.

7206. Well, Mr. Parsons?—One or two witnesses have told the spring fishing was getting better, and they wished it to be inferred that when the killing hatch was shut down the fishing became a valueless one. But there is an exceptional summer, and the fish are not likely to run, and that may account for it to a certain extent. I don't agree that the opening of the hatch has the slightest effect at all on it, and I don't think that the bad peal fishing is altogether due to the hatch, because our own take of peal has been bad; but I can give you some statistics of that, and I might give you some evidence at Mallow.

Dr. Mahaffy.

7207. Last year was a very dry year?—Yes, the summer was very dry. We keep a sort of check of the height of the river.

Mr. Justice Ross.

7208. We should like to have that, or an extract from it.—Yes.

The Committee adjourned.

SIXTEENTH PUBLIC SITTING.

TUESDAY, 12TH SEPTEMBER, 1911.

AT 10 A.M.

At the Town Hall, Mallow.

PRESENT:

THE RIGHT HON. Mr. JUSTICE ROSS (in the chair).

REV. JOHN PEARLAND MARAFFE, D.D., M.D., C.V.O.
MR. STEPHEN GWYNNE, M.P.

MR. W. L. CALDWELL, F.R.S.E.
MR. W. B. GREEN, C.E.

MR. S. H. LEE, Secretary.

MR. R. E. LOWFIELD, O.B., examined.

Mr. Justice Ross.

7209. You are the chairman of the Limmere Board of Conservators?—Yes.

7210. And what terms are you acquainted with, that you will give an evidence about?—I have been all my life on the Blackwater.

Mr. Justice Ross—continued.

7211. And you have been a fisherman since you were a boy?—Since I was old enough.

7212. And you are acquainted with all the circumstances of the river?—Yes.

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Mr. R. E. LONGFIELD, D.L.—continued.

[MAKING.]

Mr. Justice Ross.

7213. Now, Mr. Longfield, what part of the river in particular can you give us information about?—I know most of the river, from Clonsilla, all the way up.

7214. The whole way?—Well, pretty nearly. I know a little of the whole of the river, but, of course, I know most of the part where I live. I know something of the river and the tributaries.

7215. Now, do you look on it as a first-class fishing river?—Certainly. I suppose the fishing at Clonsilla, and the spring fishing at Careyville are the best in the Kingdom.

7216. The best in the Kingdom?—I believe so.

Dr. Mahaffy.

7217. Is Clonsilla so good as all that—is it as good as Careyville?—It used to be at one time. It was very good above Careyville. It was very good indeed at Connersmore, Lord Lister's, but, until this year, for a good many years, it has been poor. For some reason that I can't understand, we have had no stock of fish above Ferny till the first week in May, until this season. I can't understand it.

Mr. Justice Ross.

7218. You can't assign any reason for that?—No, unless that it is the setting of salmon.

7219. Do you think the fishing is improving or deteriorating of late years (you can give us evidence, I suppose, for 50 years)?—It has fluctuated very, very much. When I was a boy there was no fishing at all, and then an Act, in which my cousin, Robert Longfield, was interested, was passed, I think in 1868 or 1869, and then the fishing became very good. And then it went off again.

7220. What was contained in the Act that made the fishing good?—It did away with a lot of nets and flood engines.

7221. Well, after that Act was passed the fishing recovered?—After that it revived very much. Then it went down again. I believe that, on the whole, the fishing has improved; I believe that the capture in the tide-way has, on the whole, improved.

7222. In the tide-way?—I believe so.

7223. You don't know much about the tide-way?—No, I don't, except from books.

7224. As regards angling, it has fallen off for the last few years?—It has been very poor till this year.

7225. And does this appear to be an exceptional year?—Quite exceptional.

7226. You can't account for it?—No.

7227. Has the summer fishing this year been exceptional?—Oh, no. Of course it has been a very dry season, and when the dry weather set in the fishing became bad.

7228. Then, you only mean the spring fishing?—We don't get many early fish. We don't get them till, perhaps, the end of March. Then they begin to come in a good year, but when the fine weather set in this year, about the middle or end of May, of course the fishing ceased.

Dr. Mahaffy.

7229. You had six weeks of fishing here?—Yes, we had.

Mr. Justice Ross.

7230. Are there good stands opposite your own place?—Yes, pretty good.

7231. What would you get in a good day—what would be the best?—This year, one day I got five fish, but that was not on my own waters, but on water that I rent.

7232. What size are the fish as a rule?—I think these fish were, two or three of them, 10 and 12 pounds, and one 21 pounds, or something like that. There is first a run of big 20-pounders and over 20-pounders, early.

Dr. Mahaffy.

7233. Did you ever get one of 30 pounds up here?—I once got one 26 pounds.

7234. It is rather rare to get them that size?—Not very often up here. I think several have been caught at Careyville.

Mr. Justice Ross.

7235. Now, will you tell us about the riparian ownership. How many miles of river frontage have you, Mr. Longfield?—I suppose about three. It is not all good fishing.

7236. Have you two sides of the river?—No.

7237. Only one side?—Only one.

7238. Who is opposite you?—There are different people.

7239. Proprietors or tenant farmers who have bought out?—Both, I think.

7240. Do you know cases in which there is quarrelling over the middle point?—Well, in one case, opposite Longerville, I took the other side.

Dr. Mahaffy.

7241. The fishing on the other side could interfere with you?—It could, yes.

Mr. Justice Ross.

7242. You never experienced much difficulty about it?—No, not after renting the other side.

7243. No difficulty except at that place?—Well, there is one place where my side is fished from the other side, but, so far, I have done nothing about it.

7244. Now, have there been much tenant-purchase under the Land Act?—Oh, yes, a good deal.

7245. Along the river?—Yes.

7246. Have you noticed any change that has taken place on the river since that came into effect?—No. It costs more now to fish, because, if you take the fishing in a lot of little bits it becomes more expensive than if you could take it from a landlord who would, perhaps, have several farms.

7247. Do those tenants who have bought out under the Land Act combine together to let their fishings to some single?—I don't think they combine. They let it. You may take it.

7248. Each man gets a separate rent?—Yes, I think so.

7249. Now, is there any poaching? Witness—Of spawning fish.

7250. Yes?—Oh, yes, there is some, but I don't think there is anything like what there used to be.

7251. You think it is getting less?—Yes.

Dr. Mahaffy.

7252. There are less people?—Less people, and we are fortunate in having a very good inspector.

Mr. Justice Ross.

7253. Yes, you have an excellent inspector. Do you think you have got enough of men working under him?—Well, I suppose, very nearly. But it is very hard, in some of the out-of-the-way wild places, for any man to protect the fish; and nowadays people all have revolvers, and I don't think the water bailiffs will be much more venturesome than they have been.

7254. It is very dangerous?—It might be; yes.

7255. There has not been any loss of life?—No, not in fishing, not that I know of, but I think the fact of there being a lot of revolvers in the country is rather awkward.

Dr. Mahaffy.

7256. There was always poaching up there in the old days?—Oh, yes.

Mr. Justice Ross.

7257. We heard yesterday that they get all the assistance that people could reasonably expect from the police?—The police have done a great deal in this district, but I think, on the whole, they might do more. I don't say here, but, generally speaking, I think they might do more. I think the carrying out of the Fisher Laws is generally put behind any other business. I think they often might do more.

7258. We have heard that the fines, that were formerly given to the individual policemen who had to engage in this hard work (it is night work, and all that kind of thing)—under the present regulations go into the Constabulary Fund?—Yes.

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Mr. R. E. LONGFIELD, A.L.—continued.

[Mallow.

Mr. Justice Ross—continued.

7260. Do you think that a salutory change could be made by rewarding the police individually?—Yes, I think that would be better.

7261. You are in favour of that?—Yes, I think so.

7262. Now, as to your Board of Commissioners, do they attend regularly?—Pretty well. They don't attend at Fermoy. They attend pretty well here.

7263. How many are there, ex-officio and others?—There are six elected above and six elected below. I am not quite sure how many ex-officio members there are. There are not many.

7264. In some places where we have been the Bonids seemed to be very unsatisfactory; but, about your Board here, have you any complaint to make?—No, I think not.

7265. Can you suggest any change that you think would result in a more satisfactory governing body?—I don't think so. Some of the changes that I have seen suggested would be very much for the worse.

7266. Is there a conflict of interests between the rod fishers and the net fishers here?—Oh, we get on very well.

7267. And in there not a good deal of conflict with the interests of the fishers down the estuary?—I don't go down to Youghal.

7268. But, how are they represented on your Board?—Oh, there are net men, and I think they are, most of them, good men.

7269. You find them very reasonable?—Oh, I think so.

Mr. Green.

7270. Your Board sits in different places to accommodate these different people?—Yes; we sit at Youghal, Lismore, Fermoy and Mallow, in turn, on the last Thursday of every month.

Mr. Justice Ross.

7271. And, except at Fermoy, the attendance is always fair?—Fairly good.

7272. And they take an interest in their business?—Yes.

7273. And they understand their business?—I think they should.

7274. And they appoint good men. Their head men is admirable?—Yes.

7275. Now, have you noticed any improvement since the hatchery?—Well, I can't say I have; because I told you just now that up to this year we had so very, very few fish till May. We have started two hatcheries. We have got one here in Mallow, and we catch the spawning fish about 15 miles up the river near Banteer. I am inclined to think that our hatchery will be very much more valuable than the Lismore hatchery, because I hold—of course it can't be proved, but I hold that the spring fish are the most valuable spawners, and that they produce spring fish; and I think it is very possible and probable that autumn fish only produce autumn fish, and are comparatively worthless. The fry that we get up there from fish taken at Mallow are hatched out earlier than the Lismore fish.

7276. But, have you any evidence to support that theory?—Well, *foris cresset foris est bonus*.

7277. At present it is only a theory, but you can't prove it?—You can prove it in a negative sort of way. There are large schools that never have spring fish. There the fish run up in autumn, and never produce a spring fish.

7278. Of course you have got a way of measuring the one. How many are you run out in the year?—I think about a million.

7279. But it is only just started?—One year now.

7280. Those, of course, you will not know anything about for four years?—No.

7281. That is the usual limit?—Yes.

7282. Now, as regards trout fishing, do you consider the trout fishing on this river important?—I think it gives amusement to a good number of people, and it is not usually preserved. I know one tenant-purchaser who, I believe, prevents people trout-fishing, but I have never prevented them trout-fishing in the Blackwater. The trout-fishing this year, I may mention, has been extremely bad, but I don't know why.

Mr. Justice Ross—continued.

7283. To what do you attribute that?—I haven't the least notion.

7284. Did you ever hear of any dace being in the river?—No.

7285. You would know dace?—I caught them when I was a little boy at Eton. I used to catch dace then, but I haven't seen one since.

Dr. Moleff.

7286. There are dace all over England, but not in Ireland?—I didn't know that there were any dace in the river.

7287. They appear to have got in by mistake?—I shouldn't have thought they could do much harm if they were there.

Mr. Justice Ross.

7288. The trout feed on them, and so the trout won't rise.

Dr. Moleff.

7289. That is the assertion.

Mr. Justice Ross.

7290. You haven't seen anything of that?—No; but you have got minnows in the river, and I think minnows improve the quality of the trout.

7291. You cannot account for the fact that the trout fishing is rather bad?—It is very bad. They never take well here, but this year it has been specially bad. Of course there are a good many pike in the river.

7292. Has any systematic effort been made to remove the pike during the pike spawning season?—No, not exactly; no systematic effort, but we encourage people to fish for them at any time.

Dr. Moleff.

7293. That is not the way to keep them down?—No.

Mr. Justice Ross.

7294. Have you any other enemies to the fish, such as cormorants?—There are cormorants in considerable numbers, and others.

7295. Do you pay a shilling a head for the cormorants?—I think we do. I think we gave up paying for others. I think we give it for cormorants now.

7296. I suppose there are not many others?—Oh, yes, there are some others.

7297. The cormorant is the worst?—Some way the cormorant cut out a great number of eels, and that the eels cut the spawners, but I don't think that you can get rid of the eels.

7298. Well, now, tell me about the finances of your Board. Have you enough money?—Oh, we should always like more.

7299. How much more?—Well, we have been spending money on the hatchery and on a trip to catch the spawning fish on the weir up above Banteer, and I think if we had more money we might get on more men and do a good deal more.

7300. Can you give us any suggestion as to how you think the money could be raised; for instance, do you think anything could be done in the way of raising the licence?—Witness—No licence?

7301. Yes?—I don't know. A great many of the people that take out rod licences kill very few fish. Something might be put on to the nets possibly.

7302. We have heard some evidence on that. And I suppose you haven't much to tell us about the nets?—Oh, no, I don't know much about the nets.

7303. But, with regard to the rod licence, do you think the present system satisfactory under which a man taking out a rod licence by paying £1 is able to fish anywhere, or do you not think that some portion of that should be paid to the local body?—I think it would be a good thing if you could get people to take out licences for the district. I think that would be better.

7304. But, apart from that, has anything occurred to you on which you might make a suggestion to this Committee for us to take into consideration before we draw up our report?—I don't think there is any danger of noting on this river by the new proprietors, but I think on a good many rivers there is.

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Mr. R. E. LONGFIELD, D.L.—continued.

[Mallow.]

Mr. Justice Ross—continued.

7304. What is to prevent them from doing it here, supposing that there are two men with riparian ownership on opposite banks?—They get very good nets for their fishing.

7305. Is that spring fishing?—Yes. The summer fishing is no good. But that is possible, of course. Speaking generally, I don't think there ought to be any netting at all on the fresh water. It is very hard for fish to get into the fresh water, and I think they ought to be comparatively safe when they get there.

Dr. Mahaffy.

7306. Netting in the fresh water has been put down by the Fishery Commissioners on the Barrow?—Yes; I think it ought to be done here.

Mr. Justice Ross.

7307. There is a great difficulty here in the case of people who have been in the habit of fishing with nets?—I don't think that you can interfere with existing rights.

7308. They are not rights at all in point of law, because they are paid for, and there is a more temporary house, but to interfere with them would cause so much dissatisfaction as to be almost as difficult as if they had legal rights?—I would prevent any new attempt certainly.

7309. Would you allow it to go on where it had been the custom?—Well, I wouldn't like to rob anybody.

7310. If a temporary pond was fixed within which it might go on, what do you think of that?—I think that would do.

Dr. Mahaffy.

7311. We had evidence that a great number of fish caught lower down the river showed marks of nets on them. Have you observed that here?—Sometimes. I don't know that I have observed it this year, but sometimes I have seen marks that may have been caused by nets, or may have been the result of the fish being scratched going over the weir.

7312. You don't generally find that, I suppose?—I have seen fish marked pretty often.

7313. When you talk of the trout fishing being bad, do you know that the trout are of good quality here?—They are very much improved. The quality is very much better, but the quantity is very poor.

7314. Then, is there any reason why the quantity should not be better?—I think getting minnows in has improved them.

Mr. Calderwood.

7315. You said, I think, that the tenant purchasers don't have any combination with regard to the letting of their fishings here?—Not that I know of. Not here.

7316. They each get an individual rent from one man?—Yes.

7317. Does one angler rent fishings from a good many tenant purchasers?—Oh, yes. There is a gentleman down the river who has taken fishing from a great number of people, Mr. Redington. He has got rules of fishing.

7318. Then he has to deal separately with each individual?—Yes, he has to deal with them separately.

7319. Could you give me any idea of what those tenant purchasers get so rent for the fishing, if it is a fair question, and if you care to answer it?—I declare I don't know. I don't know whether you could say from 10s. to 21s. a fish, or something like that, the fishing being so enormously.

Mr. Justice Ross.

7320. Is that usual, to pay by the fish?—No, it is not usual, but I am only trying to estimate it.

Mr. Gwynn.

7321. Would it represent a substantial sum to them?—To some of them, not to many. If a man happened to buy a farm on the river with a very good pool on it, he might get £7 or £10 for it, perhaps.

Dr. Mahaffy.

7322. Are there any good fishings higher up than you?—Oh, there is a very good fishing, Mr. Grehan's, for instance. It used to be called the Corporation water. It is generally let, and it has very good fishing. It is Bretrudge's Charity. I believe it is a very old charity, for old soldiers, and at one time the fishing there used to be let for £100 a year, and now it is let for a mere trifle.

Mr. Calderwood.

7323. I wanted to ask you about those spring fish which you say are the most valuable specimens up here. We heard in evidence yesterday at Limerick that all the spring fish which go up here drop back again into the sea?—I believe that to be nonsense.

7324. You believe that to be nonsense?—Utter nonsense.

Dr. Mahaffy.

7325. The witness said the very early ones.

Mr. Calderwood.

7326. He said all of them, because I specially noticed that the witness yesterday said all of them?—I think that is ridiculous. I don't think any authority holds that now. There was a long correspondence on that subject in one of the fishing papers about a year ago (I didn't read it, but I heard of it), and I believe the man who advocated this general dropping of the fish failed to prove his case. I think that is absurd, for people would want to show that they just come up here that they may be caught by nets.

7327. With regard to what has been said in connection with any possible reduction of netting in fresh waters, would you be opposed to such reduction if suitable compensation were given?—No; I think the less netting in fresh water the better.

7328. I based you say so, but I also understood you to say that you didn't want to interfere with existing netting?—Yes; I think it would be a good thing to compensate them.

7329. In other parts of Ireland there is a great amount of netting in fresh water?—There is.

7330. Yes, and I wanted to know whether you thought that, as a general principle, you should not interfere with those nets?—I think if they could be compensated it would be a very good thing to do.

7331. One other question that I want to ask you is with regard to poach. Do you think that poach are diminishing in numbers here?—I think they depend on the water entirely. Sometimes they get up. In a dry season like this they don't get up.

7332. You are not aware of a marked decrease in poach?—No. I think this year they didn't come; they couldn't come up here, but we never got a great many up here.

7333. You never did?—No.

Mr. Gwynn.

7334. I understood you to say that you remember a time when the fishing here was very bad indeed?—When I was a boy it was very bad; it was almost nil.

7335. Do you suppose that that was caused by poaching on the upper waters or by over-netting?—By over-netting and flood origins.

7336. Now, about the question of poaching, do you think that there is more poaching on the upper waters now than there used to be?—I think there is much less—much less.

7337. And to what do you attribute that decrease?—Well, I think to the energy of Mr. Deehan, and possibly to the emigration.

7338. And good watching?—I think so. But I say there are places where it is extremely hard to protect spawning fish, and on that account I think it would be a very good thing if we could catch them in our trap twelve miles up the river and take the spawners from them. I was asked if I had any suggestion to make, and there is a matter that I forgot to mention which I think is of considerable importance, that is pollution. If you were to look at the black stream of sewage that runs undiluted into the Blackwater just down here, I think you would be of opinion that it might kill anything. And then there is the same thing

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Mr. R. E. Lonsdale, M.A.—continued.

[Marrow.

Mr. Gwynn—continued.

at Fernoy. Fernoy is a considerable town with a large barracks and sewage running straight into the Blackwater, and no attempt is made to purify it. That is a very serious matter indeed.

Mr. Justice Ross.

1339. But I think the Pollution of Rivers Act does not apply to Ireland?—I thought it applied now, but

Mr. Justice Ross—continued.

that it didn't apply to anything that was done before the Act was passed.

Mr. Gwynn.

1340. You could have powers under that Act?—But you see it is old. This sewage was running so long before the Act passed, and it is a very serious matter indeed.

Mr. J. F. Willemsen, examined.

Mr. Justice Ross.

1341. Now, Mr. Willemsen, you live within three miles of this town?—My own family residence is four miles, but I am living here within half a mile of the town.

1342. Have you lived here all your life?—Yes, practically.

1343. Have you taken an interest in fishing matters?—Oh, yes, very much. It is as a trout fisherman that I wish to address you. Owing to my incapacity, having only one arm, I am unable to tackle salmon, though I have killed six or seven in my life. I have 40 years' experience here of trout fishing. I live on the banks of the Clyde, and, of course, I remember it of old. It is a tributary of the Blackwater. It runs into the Blackwater a little above Mallow. It used to be most plentiful in the old times. I had no difficulty in getting two and a half dozen to four dozen trout, very nice trout. I used to throw all the little ones in.

Dr. Mahaffy.

1344. What would they average?—They would average in those days perhaps from a quarter to a third of a pound. Perhaps three dozen.

1345. How many would you get on a good day?—In those days I always generally filled my basket. I was generally successful. About two to four dozen.

1346. Has the trout fishing got worse?—It has gone to the dogs since.

Mr. Justice Ross.

1347. How long is it since you began to notice that deterioration?—Well, I suppose it has been deteriorating for several years, that is, in my immediate neighbourhood. That I attribute to the opening of Mourne Abbey station, which attracts hordes of anglers from Cork.

1348. Is it to that you attribute mainly the falling off?—To that and to over-fishing and the killing of immature fish, and I am strongly of opinion that a legal limit ought to be fixed for trout. I would suggest six inches, or, I was going to say, eight, but I think that might be going too far.

1349. Those opportunities that come from Cork take everything?—Every single thing.

1350. They never throw back anything?—Not they. During the last ten years the fishing has got very bad.

1351. Is there any other reason that occurs to you except over-fishing?—None whatever.

1352. What about pike—perhaps you have not thought of that. Are there any pike in this river?—There are very few pike in the Clyde so far as I know, although I have seen them in it. But it is this killing of immature fish that is, I believe, really the great crux.

Dr. Mahaffy.

1353. Would you like to have a license put on for trout fishing?—Well, I think that any man ought to be very pleased to pay a half-crown license for trout fishing. If you could differentiate between the poor man and the rich, and make the rich man pay ten shillings, I think that would go very far to put the river into order.

1354. Would you require a license for young boys?—I think if a young boy was very keen he would kill a very nice basket of trout. Owing to the increase in the size by this legislation I suggest, I think it would be well worth his while. He could make it in one day, selling his basket for half a-crown.

Dr. Mahaffy—continued.

1355. What legislation do you suggest?—Well, legis- lation fixing a limit to the size of trout that could be legally caught, and also I should say a small license duty.

Mr. Justice Ross.

1356. Why don't you and your brother anglers apply to the Fishery Department (Mr. Green at present) to put a limit on trout in this river, because it has been done elsewhere?—I am glad to hear it, but I was utterly ignorant of that.

1357. They won't act on one person's representation, but if you got up a memorial signed by a large number of persons interested in the fishing, and apply to the Fishery Department, it would have their very careful consideration. Then I am to understand that that is the only course that you can assign for the falling off of the trout?—That is so.

1358. And is that the only suggestion that you can make for the improvement?—The only suggestion.

1359. Have you any other rivers?—Yes, the Glen river near Bandon used to be one of the best.

1360. Does it suffer from the same thing?—To a certain degree, but it is so much more remote than the Clyde, and therefore, there are not so many anglers on it; but still it has fallen off.

Dr. Mahaffy.

1361. Do the trout run to any size here, and have you ever caught a big one?—I think the largest trout I ever got on the Clyde was about 1½ pounds. I have been rather unsuccessful in landing big ones.

1362. Is it common to get one over a pound?—Well, it used to be fairly easy to get them over a pound. I haven't heard of many lately. As to poisoning, sir, I am sorry to say that within the last two days I have heard of two streams being poisoned here.

Mr. Justice Ross.

1363. How?—I have no evidence of it. I was told yesterday by a man that he had seen trout dead on one of the streams, and I said I would go out and see them, but he said this morning they were not there, and to-day, as I was coming into town, I was told by another angler that another stream had been poisoned.

1364. Did he say how?—No. I suppose it was lime—chloride I should say.

Mr. Green.

1365. Do you grow fax in this neighbourhood?—Not at all.

Mr. Justice Ross.

1366. Is there any sheep washing?—Not at this time of year; but the stream was so very low that of course now they could do it easily. And I think the present penalty of £10 maximum and no minimum is utterly inadequate. I have had 31 years' experience as Fishy Sanitary Clerk, and I only remember one case of poisoning being detected here. They were caught red-handed, but they were only fined £1 each; and, when you come to think of it, the man that uses a stroke-bait is fined £4, I think, and the penalty for poisoning is utterly too small and is ought to be made imprisonment for not under two months, I think.

1367. Without the application of a fine?—I think so.

1368. Because they kill so much more than they want, and it is a deliberate crime?—They kill every- thing.

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Mr. J. P. WILLIAMSON—continued.

[Mallow.]

Mr. Green.

7370. Do you think it sufficient proof that the river was poisoned that a few trout are found dead where cattle are walking off over the streams at present?—No, sir; and I am sorry I can't give you more evidence about this.

7371. When the streams are so overrun by cattle as these head waters are now, is it not possible that the trout might get killed in that way?—It is quite possible.

Mr. Justice Ross.

7372. Have you ever had any other cases of poisoning before?—No. I can give evidence of the only case in which we have had a prosecution here since I became Petty Sessions Clerk. I have also an idea that some of these tributaries, so far as salmon spawning tributaries go, ought to be closed in some way and then you could concentrate your efforts on the others.

7373. How would you close them?—Well, I am not engineer enough to suggest something in the way of closing them, but I think there might be some sort of grating which would arrest all weeds and rubbish and debris that would come down, and, when full, automatically clear itself.

Mr. Percival Hogg, examined.

Mr. Justice Ross.

7377. You are a member of the Board of Conservators?—Yes, I am.

7378. How long have you been a member of the Board?—I suppose twelve years or so.

7379. Where do you usually attend the meetings?—Well, chiefly here for the last two or three years, because my health has not been quite so good; but if there is anything special on, I go anywhere.

7380. Are you a fisherman yourself?—Yes, I have been.

7381. Salmon and trout?—Salmon and trout.

7382. And you have taken a great interest in fishing all your life, I suppose?—Yes, I have.

7383. I should like to know what is your opinion of the river. You think it naturally a first-rate river?—Witness.—For salmon-fishing, do you mean?

7384. Yes?—Well, I think the salmon have become better in their habits. They don't run up to us as they used to do. When I commenced we used to have some fish up in February.

Dr. McShay.

7385. Here?—Yes. I and my brother have caught them the very first day of February available—spring fish.

7386. Up at Mallow?—Above Mallow, about four miles. And then in the month of March we used to have a fair sprinkling, and from that on there were a good many of them. But that was a long time ago, I suppose about 35 years ago. And then the pool used to run earlier. We used to get an odd one in May and plenty of them in the month of June, whereas now, comparatively speaking, we don't see a peal till June, not much before the end of June.

7387. Pool have fallen off?—Pool have fallen off very much.

7388. You have noticed they are coming up later?—Yes.

7389. Have you any theory as to why they are coming up later?—Well, I think they are too clever in the side-way. At the time I speak of there used to be any amount of fry going down, and little boys and everybody—of course not salmon-fishers, but the lower people—used to go out and they would kill eight or ten dozen of them. I used to see them drawing them out as fast as possible. We took no notice at that time. But then the drift nets came, and since they commenced I believe the fishing has steadily deteriorated.

7390. Through the drift nets?—Since the drift nets came on.

Mr. Justice Ross.

7391. You are talking of the drift nets in the estuary, of course?—In the estuary, and of course if they are caught there they can't come up here.

Mr. Justice Ross—continued.

7375. But a flood would sweep your gaffing away, and then, in addition to that difficulty, you would always have an accumulation of fish about the gaffing which would give a great chance to poachers, and there are some difficulties about that. Have you anything more to suggest?—I have a small tributary, and I took a great interest in stocking a little lake; but I don't work it now.

7374. How did it do?—Oh, very well, indeed. At that time I studied the question, and my idea about this hatchery for salmon was (in fact I wrote my ideas to the papers) that if you put young fish into a tributary down low near the sea they won't stay there, and they are swept down by the floods, I think, into the salt water and killed.

7375. And killed?—Well, I should think so; whereas if you hatch them high up in the rivers you observe that by putting in your fry in the higher waters.

7376. Have you formed any opinion, after studying the question, as to what Mr. Longfield said about spring spawning producing spring fish?—No, I have not.

Mr. Justice Ross—continued.

7392. Have you noticed any marks of drift nets on the coos you do catch?—Yes, sometimes. But the fish now don't come up here till, we will say, the middle of April, except, of course, a scattered one; and my idea of that is they are impounded at Careyville. Those that escape destruction down the river are impounded at Careyville, because the Clondane weir has been raised a foot of late years, and since then the fish, although they are down there, and although they get a fair food sometimes, will not run. I believe they are lazy in the cold water, and they avoid that obstruction on Clondane weir and they don't persist in running on.

7393. You think they never come up at all?—Oh, they do come up.

7394. Just the weir?—I just went to have a look round, and Mr. Jameson told me they were all collected there, and when the water gets to a certain temperature these fish become anxious to go on if they can run past Clondane, and they come up, but not as they used. They come up this year in the month of May, because we had a high flood and the temperature of the water was raised. At least, that is my theory. I believe they are come early, but that they avoid this tremendous obstruction which is like a wall the height of the room there, and when they come up to that they simply drop back; they get outcast.

7395. They come up again?—Those that escape the rods. They haul out the most enormous quantities of them at Careyville. They catch something like 500 or 600 fish in the season, and perhaps 20 fish in a day. And the first day of February last was the most unlucky day for fishing which you could possibly imagine, and we had a frost and such a day that you could not see 120 yards off I should say, and they were fishing and catching them at Careyville that day. They were there.

7396. Do you know anything about the tenant purchases?—Oh, yes, a little.

7397. You know that there has been extensive purchase by tenants along this river?—Yes.

7398. Has that made any change?—Well, I think only in this way, that they are more inclined to let the water and at higher rates than we used to get it for formerly.

7399. The tenant purchaser lets at a higher rate?—Yes. I had a piece of water some years off and on for £6 a year. The fishing was not very good at the time, but I had it the last year under the old system, and then I asked the landlord (the present proprietor) what she would let it for, and she said £25, and whether that put me off it or not I don't know, but another man took it, and I think it is £15 he pays for it.

7400. What frontage has he got for the £15?—It is a good piece of water.

7401. Would it be half a mile?—It is, and more than that.

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MR. PERCIVAL HUNT—continued.

[Mallow.

Mr. Justice Ross—continued.

7402. Are there good stands on it?—There are.
 7403. And I suppose it is worth it?—But we have such a short season here. We don't have more than six weeks, or two months anyhow; and in former times there was a very long season. And the pike don't come in the proper time. We had very nice pike fishing then even in the month of June and the end of May, and now we think it is a wonder if we get three or four pike jumping in the stream.

7404. Do you make any suggestion about altering the close time?—I don't know. Some wish to have October, and I think the fish are not very much good after the first fortnight, in fact not very much good any part of it.

7405. But you have never brought the matter under the notice of Mr. Green's Board, the Fishery Board?—There have been so many inquiries that we have been through; and I think there is too much interest in the fish, and when the fish get as far as Careyville they don't come further until the water comes to a certain temperature.

7406. Do you know of the pike that was put in Careyville water?—I do.

7407. Have you noticed any improvement since that was made and that the fish can cross it?—Oh, the fish get across it right enough. They come up, but they won't come early in the season.

7408. Are they coming better since that pike was made?—I think they are. There was a very good run of fish early in May this year, but we had an extraordinary high flood. It was over the inches in places; and they came, and went a long way up the river.

7409. Have you any suggestion to make to this Committee in respect of the fishing on the river?—Well, I think it would be a good thing if cornmerants were killed down. They are a very great destruction to both salmon-fry and trout; and perhaps become a little more numerous.

7410. Do you think the license do really any substantial mischief?—Not any very great damage, I suppose, but I have seen them catch trout.

Dr. Mahaffy.

7411. How would you propose to kill the cornmerants?—I would offer an adequate reward. At present there is a reward of a shilling a head, and nobody would trouble himself to shoot a cornmerant for a shilling. I shot one and I think it took about six shots to finish him.

7412. You must have been firing with small shot?—No, large shot.

7413. Try him with No. 28.—It was No. 5, I think. I would offer a head for every cornmerant killed. A cornmerant in one day will do far more damage than that. They come up here and make a habit of coming up here when the fry are going down the river. They fish all day long, and when they are gorged they lie up in a tree. I believe they do an immense amount of injury to the fry.

Mr. Green.

7414. Don't you think that if you offered such a reward as that you would create a very good trade in cornmerants, and that they would be sent up here from Cork?—We must chance that.

Mr. Justice Ross.

7415. Could you not get them with rock rifles when they are gorged and sitting up in the trees?—I think it would be a better thing if a man was to get a fish for his cornmerant when he brought it in. He would lie in wait behind a tree or fence or something, and when the cornmerant would come up he would shoot him.

Dr. Mahaffy.

7416. Do you think they would bring cornmerants from Cork?—They might do it, of course, or from Valencia. There are plenty at Valencia.

7417. Don't you think that if you gave £n. a cornmerant up here, they would import any quantity?

Mr. Green.

7418. I am afraid that would be too high a price. In the Waterford district they have been paying a shil-

Mr. Green—continued.

ling a head for cornmerants, and so many cornmerants have been killed that the Conservators have had to draw in their horses now?—Mr. Dohen will tell you more about that than I can, but my idea is that at present people don't trouble about it. And the trout fishing is injured by them also.

Dr. Mahaffy.

7419. Perhaps £n. would be enough?—Well, whatever would be adequate.

Mr. Green.

7420. The thing that we are really inquiring into here is about the use that is being made of the fishing by the new purchasers?—They know very well how to take care of themselves.

7421. Tell me this. How far up the river are tenant purchasers letting their fishing?—Up to Banteer up to a year or two ago—I think for the last season, indeed—a great stretch of water was open, and in the month of May it was a very good place. I used to go up there and had some days fishing.

7422. To whom did it belong then?—It belonged to the landlords, and on one occasion two farmers came up and I said: "Is there any change for the fishing?" and they said: "Oh, not the least." Well, it is all let now.

7423. Well, has that property that you were fishing on been broken up into small holdings?—Yes. Each farmer has purchased.

7424. Do these men let their fishing now profitably to themselves, do they get a fair rent for the fishing?—I don't know what rent they get.

7425. They get sufficient, I suppose, in their own estimation?—Well, they are satisfied.

7426. You have no objection to that?—Of course, I have no objection. It was through their country that I was enabled to fish there, and many others; but I only rent a small piece of water at present.

7427. Up there?—Not so far up. Up above Banteer. I pay a good thing for it. A farmer looks after it for me.

7428. About how many tenant purchasers are there from this to Banteer, do you think, that are able to let their fishing?—I believe every man along the river up there can do it.

7429. But are they doing it?—No.

7430. Is it that the fishing is not worth anything?—There are gentlemen here now who are very fond of fishing, and they have never let their stretch of water, but these are exceptions.

7431. But a very large number, at all events, have let?—I wish I knew where I could get a piece of water—that is how it is.

7432. Of course, up as far as Millstreet or Rathmore, or any of those places there is no such thing as fishing. They have another way to deal with the fish up there?—Yes, I think so.

7433. But up as far as Banteer, at all events, there is very good letting?—Oh, yes. Immediately above me there is a long stretch of water, Mr. Gerhan's on one side and Messrs. Lane's on the other, but it is not let. I wanted to mention something about the trout if you would not mind.

7434. Yes. Do you make any suggestion?—I think the trout fishing has gone down very much.

7435. Why?—Oh, it is really marvellously bad.

7436. Why?—Well, I don't know. I think pike are partly the cause. Mr. Williamson spoke about the Clyde river. I think there are a good deal of pike up there, and there are certain facts where there used to be lots of trout, and I know for a fact that there are pike there, and there is scarcely a trout on it.

Dr. Mahaffy.

7437. Do the pike run big?—Well, a fair size; something about 8 or 10 pounds and up to 20 pounds, I understand; but there are larger ones than that in the Blackwater.

7438. Do you ever take any means to catch them?—I sometimes catch them.

7439. Do you ever catch the spawning pike if you know where to look for them?—We like to catch every one we can.

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Mr. FISHERY ROSE—continued.

[Mallow.

Dr. Mahaffy—continued.

7440. You ought to be able to catch them spawning?—We could, easily enough, but we are not allowed to use nets.

Mr. GIBBS.

7441. There is not any objection, and we always give permission for that purpose when we are asked.

Dr. Mahaffy.

7442. You are taking no pains to put down the pike, and you are asking no application to Mr. Green's Board for permission to net them during spawning time. These pike are one of the great pests, and you are doing nothing to put them down?—There are some men that make it their business to fish for them. I know one man kills a great number.

7443. I think he is a benefactor?—Yes.

7444. I think he ought to be supported, supposing you give him so much for each pike, say, 6d. or so?—Yes.

Colonel A. H. LONGFORD, J.P., examined.

Mr. Justice ROSE.

7445. What part of the river are you acquainted with?—The upper part from this, about four miles up. I live next to my brother, about half-a-mile or a mile above him.

7446. And you were in service, were you?—I was in service, but I was on leave off and on.

7447. So that you have been more or less acquainted with the river all your life?—Yes, since I was a boy.

7448. Do you think the river has improved, or has it got worse?—I think it was better this year. It is improving. There were better salmon running up it earlier this year. There were salmon in March this year.

7449. Now you heard all the evidence of your brother, Mr. R. E. Longford?—Yes.

7450. And is there anything you wish to add to it, Colonel?—No.

7451. You think he went over all the points?—I think so.

7452. You have no other suggestion of your own to make?—No, I think not.

7453. Have you noticed at all that any fish are affected by marks of nets when you catch them here?—No, not much. Occasionally I have got one, but I think the marks of the nets would very often disappear before they come up here.

7454. Do you fish for trout?—I do.

7455. Are you much interested in that?—Yes. I have fished in England a good deal for trout on the Itchen and the Test, and I don't think very much of the Blackwater.

Mr. CORNELIUS LAW, examined.

Mr. Justice ROSE.

7456. Do you live on the banks of this river?—Yes, sir.

7457. Are you a proprietor or a tenant purchaser?—I purchased any land under the 1905 Act.

7458. What estate were you on, or who was your landlord?—The late Lord Lismore.

7459. Did you say it was under the new Act you purchased?—Under the 1905 Act.

7460. Now, had the fishing in the river been reserved before that?—Well, my father had all that fishing before then.

7461. Then, I presume, he held under a lease?—No, it was a free grant from Lord Lismore.

7462. In connection with his tenancy?—Yes, my father was an agent of Lord Lismore.

7463. And he always had free fishing?—Yes, and outside fishing as well, say, from all the tenants neighbouring towards. He fished that also.

7464. So that he had not only a considerable amount of fishing in the river opposite his own land, but also the fishing that he got opposite the tenants' holdings?—Yes.

Mr. COLLESWOOD.

7445. I should like to ask you a question about that salmon pass there, near Careyville?—Yes.

7446. Do you think the spring fish go up it before the month of May?—Oh, they do. There is an odd one caught up the river, but they are much scarcer than salmon now. An odd fish comes up.

7447. Do you think more fish are found above it now than used to be, during the early part of the year?—No; not in comparison with the old time, thirty-five years ago. Nothing like it at all.

7448. Have you had an opportunity of watching the pass at all?—No, I have not, but I lived down there many years ago, and it was an amusement then when there was a flood coming down the river to see those salmon running over the weir itself, and they could not do that now unless there was a tremendously high flood.

7449. What time of the year was that when they ran the weir?—That would be in the early spring.

7450. March, and so?—Yes.

7451. Why can't they run the weir now?—Because it has been raised.

Mr. Justice ROSE—continued.

7452. Do you fish in any of the subsidiary rivers?—Yes, I have fished the Oubeg and several others.

7453. But you don't think much of them?—I don't think much of them.

7454. You have heard the estimates assigned for the falling off of the trout?—Yes, but the Blackwater was always a bad trout river.

Dr. Mahaffy.

7455. Are the trout not of a good quality?—Well, when I was a boy a Blackwater trout was considered not worth catching, and not worth eating when you caught him, but since minnows have got up the river the trout are very much better.

7456. You don't on any part of this river get so good a quality of trout as on the Itchen and Test?—No. But on some of the rivers here the trout are pretty good.

7457. On the Funchess?—Yes, and the Oubeg.

7458. Do people get fishing of a decent kind as a rule on the Funchess?—Yes, I think so, and I think the Oubeg is a stream of great possibilities.

7459. Is that a stream going through good land?—Oh, yes, through good land. The Blackwater itself runs through very bad land.

7460. That is the main point?—As to commercial, I think five shillings a piece, from what I heard Mr. Williamson say, would establish a great hamper trade from Cork. They have scarcely any commercial on the Brandon now, since they started paying a shilling a head.

Mr. Justice ROSE—continued.

7461. Now, land purchase has progressed to a very considerable extent there?—Well, on Lord Lismore's property there has been an immense lot.

7462. It is all sold?—It is all sold.

7463. How much of the footage of the river would you say, roughly speaking, is in the hands of the tenant purchasers at that time?—Witness—On that property?

7464. Yes, how many miles?—I suppose there would be more or less miles.

7465. Now, in the first place, I should like to ask you with regard to yourself, how do you use your fishing rights?—Well, I fish myself. I fish myself and a friend of mine, Colonel Sandford, fishes with me, and we take outside bits from our neighbours.

7466. How much have you in hand altogether?—Well, I should say two miles.

Dr. Mahaffy.

7467. Is it all on the same side of the river?—Yes.

7468. You don't take any of the opposite side?—Never had the off side.

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MR. CHURCHMAN LASEL.—continued.

[MAYLOW.

Mr. Justice Ross.

7489. The river is so wide that you don't cast across?—You could by wading.

7490. But it does not interfere with your fishing?—Mr. Churchman is right opposite me, and we never have a word, and we give and take.

7491. He casts across and you do the same?—Yes; we return the compliment.

7492. And you have got two miles?—Yes, exactly opposite to him.

7493. Can you give me any information as to what you have to pay for these outside bits?—Well, they are very short bits, and the rent is low simply because the fishing is not good there. This fishery is almost within two or three miles of Bicester, and we don't get any good fishing there till the end of April or beginning of May.

7494. So that you can get them for a moderate rent?

Dr. Mahaffy.

7495. What would you get in a day?—I had a few exceptional days with the run of fish last May because there was a tremendously big flood, and I got five fish in one day; but that was an exceptional day.

Mr. Justice Ross.

7496. Now, do all the tenants along there let their fishing?—They do, sir, as much as it is practicable to do so, where the fishing is any good, or where there is some chance of getting fish. There are some places where the fishing is as good as all, where there are fish.

7497. Then is places where there are good stands you find the tenants know the value of it?—Yes, and they are always inclined to let it if they possibly can.

7498. And to whom do they let their fishing?—To the highest bidder, of course.

7499. Are they usually strangers coming here as anglers, or gentlemen in the neighbourhood?—Well, these bits of fishing I have taken from year to year for myself and Old Sandford.

7500. Now, have you noticed any improvement this year in the river?—Well, there was an improvement this year, and I believe it was through the kindness of the Duke of Devonshire taking off the nets for some time, and fortunately a flood came at that very time, and the fish came up because they had an opportunity of coming.

7501. What month was that?—In the month of May. I don't remember such a run of fish since I began to fish, but I remember twenty years ago when my father and uncle and all were fishing, that if they didn't get a fish in February they thought the fishing was no good at all, and now we don't get a fish at all in February.

7502. So you agree with some of the other witnesses that the fish are running later?—I believe that, sir, and I agree with the witnesses who have said so before. I believe the Blackwater is becoming a late river.

7503. Then, so far as you know, those tenant purchasers up along this river who, you say, have ten miles or so in their hands, seems to understand the value of their rights and deal with them in a reasonable way; and let them at fair rates?—Yes.

Dr. Mahaffy.

7504. Do you think that with the season getting late and the fish coming later than they used to do, they are also getting smaller?—I think so. I have got fish (and it is a thing that was never heard of before, certainly, I believe, not twenty years ago), I have got this last season salmon of 54 pounds and 7 pounds; and that was never known before, I believe, on the Blackwater.

Mr. Justice Ross.

7505. Would the average be 15 to 20 pounds?—Oh, no, the average fish would be about 12 pounds.

Dr. Mahaffy.

7506. And you get fewer big fish?—Fewer big fish.

7507. And what is the largest coming up there—in 15 to 20 pounds?—Oh, yes, over 30.

7508. An odd one?—An odd fish.

Mr. Justice Ross.

7509. Now, have you any suggestion to make as to how the fishing could be improved?—Well, the essential thing would, I think, be to reduce the nets below.

7510. Is the estuary?—Is the estuary. And also, I would suggest strongly, no netting in fresh water. The fresh water should be left to the rods alone, I think. And I would suggest also, on account of the way the Blackwater is going, the intensity of the running of the fish, that it would be well to have the close time extended till the 15th of February; and also that the weekly close time should be increased by another 24 hours. I would suggest that.

Dr. Mahaffy.

7511. That is a big thing, you know?—Well, I think it is, but it would do much good to the fishing.

Mr. Justice Ross.

7512. Have you considered the possibility of a progressive close time?—I don't quite understand.

Dr. Mahaffy.

7513. That is Saturday and Sunday below, then Monday and Tuesday higher up, and Wednesday and Thursday higher up still, and that sort of thing, as you come up the river?—A good deal of that would depend on the floods.

Mr. Green.

7514. That would only apply where there are nets, because there is no weekly close time for rod-fishing?—Another thing I would suggest is that the commensals should be dealt with, as they cause great destruction of fish.

Mr. Justice Ross.

7515. Well, you have heard it stated that there is a shilling a head given here?—Yes. I don't think it sufficient.

Dr. Mahaffy.

7516. Did you ever shoot one yourself?—Yes, I did. I am very glad to get a shot at them whenever I can.

7517. Do you lie in wait?—I lie in wait and I often get a shot at them.

7518. And I suppose you use swan drop?—Swan drop.

7519. And you bring them down with that?—Oh, I bring them down with line within 30 or 40 yards.

7520. Do you take an interest in trout fishing?—I did as a boy, but since I started salmon fishing I don't, and I believe trout fishing has gone down on the Blackwater. And I think also seagulls do an immense lot of havoc when the fry are running down to the sea and the fish are going over the shallow forks.

Mr. Green.

7521. Do you see crowds of seagulls fishing on the shallows?—Yes, and ten years ago it was a rare thing to see them. We would always expect some, but now we see clouds of them.

7522. How can you get at a cloud of gulls sitting on the river?—You can't get at them. And the oeds also do a lot of harm to the fry, I am sure.

Dr. Mahaffy.

7523. They are always there?—They are always there, but an oil-trap would do away with a lot of them.

Mr. Guyer.

7524. You don't attach any importance to the poaching in the spawning beds?—Well, I think the poaching there has decreased a great deal. I think it has decreased by 50 per cent. As a boy I remember when I would see lots up our way, but, as Mr. Longfield said, we have a very energetic inspector here, and, another thing, I believe, is that the people are getting more enlightened.

7525. There are a good many more people getting nets out of the river than there were?—That, too, gives them an interest in it and stops poaching is a measure.

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Mr. CORNELIUS LANE.—continued

[Mallow.

Mr. Guyon.—continued.

7520. When you rent fishing from a man does that man watch for you?—Well, if there is night fishing going on in the winter time I hear it one way or another, but as for poaching in the summer time it does not go on at all.

7521. Gaffing?—Well very little of it.

7522. But do you not think that on the whole the fact of the tenant purchasers having an interest in the river themselves has had the effect of diminishing poaching?—I should say so. I think it has done some good in that way.

Mr. Green.

7523. And the claps that used to burn the rivers, did they come from far distances or were they mostly local people?—Mostly local people.

Mr. JAMES BOLSTON, examined.

Mr. Justice Ross.

7524. Were you a tenant farmer?—Yes.

7525. You bought out your holding?—Yes.

7526. Who was your landlord?—Mr. Leader.

7527. What part of the river was that?—Above Parkgrady and Rathood.

7528. Is there much of the land bordering on the river?—It is all bordering.

7529. For how many miles would you say?—It would border at least for two miles.

7530. Did the landlord reserve the fishing right or did the tenants get it?—Well, in some cases he reserved it.

7531. In your case did he reserve it?—Yes.

7532. How does he use it—does he let it?—Oh, never.

7533. To anybody?—No.

7534. Is it used by anybody?—Well, his wife fishes it herself occasionally. He doesn't fish it himself.

7535. Do any of their friends come?—Oh, certainly, often.

7536. Do they catch much?—Oh, there is not much fish killed there lately.

Dr. Mahaffy.

7537. How far away from this is it?—In a straight line above Mallow it would be something about 16 miles.

7538. Up the river?—Yes. Of course if you follow the banks of the river it is far more.

Mr. Justice Ross.

7539. Do you take an interest in the fishing yourself at all?—I am fishing since I was able to hold a rod; at least I am fishing for the last 50 years.

7540. You fish on your own part?—I do, and on Mr. Leader's. I could fish it for miles round me.

7541. And the fishing is good?—It was good at one time; it is not now.

7542. Have you noticed any improvement this year?—Well, I haven't much time to fish lately. I don't fish much for the last good number of years now, but I take a cast occasionally. I used at one time to fish very regularly, but I must say that the fish are not plentiful of late, and they can't be seen or killed by anybody, to what they used to be.

7543. Well, there are some of the tenants, I think, you told us, opposite whose farms the fishing rights are not reserved, and they belong to the tenants?—Well, except in one case I know all are reserved, and that is only a very small bit.

7544. Is that the same landlord whose name you have given us?—The name is Mr. Pomeroy, one of Sir George's tenants. I am told he has the right of fishing, but that is the only one I know.

7545. Do you know any case where the tenant lets his fishing right at all?—No; it was attempted to be let there this year opposite me, but it failed. He hadn't the right.

Mr. Guyon.

7546. Is this above Banister?—Yes, about three miles above Banister.

Mr. Green.—continued.

7547. And those local people would be rather discouraged now from burning the river?—Yes. I believe a local man wouldn't be seen going towards the river.

Mr. Guyon.

7548. Does the rent they get for their fishings bear any considerable proportion to the rent they pay for their holdings?—Oh, no; they are all small rents as far as I know.

7549. Are the holdings big?—Well, not all; they are holdings of 100 acres and that kind of thing, and their bits of river are very little.

7550. But there are parts of Ireland where you wouldn't meet one hundred-acre holding in a barony?—Oh, I know that.

Dr. Mahaffy.

7551. You say he failed in letting it because he hadn't the right?—Yes.

7552. Who interfered?—was it the landlord?—Some of the neighbouring anglers, and by some arrangement they got the fishing of it, and everybody fished it after.

Mr. Green.

7553. You know the Corporation water. How does that do?—That is below me a little. I think that Corporation water belongs to Mr. Graham. I think he has the right of fishing on it. I think he purchased it. I am not quite certain.

7554. How far above you is the river any good for fishing?—Oh, very little, not more than a mile, or two, or three. Of course the fish go up, but there are very few. Where I live, in any high water, there are few better places on the Blackwater.

Mr. Guyon.

7555. What do you blame it on that there are not the fish that there used to be?—That they are not let up.

7556. Is it the netting?—It must be something like it.

Mr. Green.

7557. Do you remember the time when angling began on the Blackwater?—Indeed I don't. That is long before I was born.

Dr. Mahaffy.

7558. I am not so sure of that?—I am quite sure of it. I know very well that I remember 40 years at all events, and the fishing was on before that.

Mr. Green.

7559. Were you catching more salmon in those days?—Never went out that I came in without a salmon.

7560. And that was the time that all the stake weirs were on the Blackwater?—I don't know anything about stake weirs, but I know the salmon were very plentiful.

Mr. Calderwood.

7561. Do the fish spawn in your neighbourhood?—Yes, a bit.

7562. In great numbers?—Yes, and on my immediate land there are three or four very fine spawning beds.

Dr. Mahaffy.

7563. In the main river?—In the main river.

Mr. Calderwood.

7564. And are they interfered with at all?—Well, very little lately. They used in former days, but not lately. I am of opinion myself that comments are done away with more fish this moment.

Mr. Justice Ross.

7565. You think comments are doing a great deal of mischief?—Yes. You will see great numbers of them on the banks.

Dr. Mahaffy.

7566. Do you shoot them?—Yes, and if you shoot one of them and shake him you will shake any amount of fry out of him.

12th September, 1911.]

MR. JOHN BARRY, examined.

[MALLOW.

Mr. Justice Ross.

7578. Do you live along the banks of this river?—I live at Ballybooby.

7579. Are you a tenant purchaser?—I am.

7579. Who is your landlord?—Colonel Ophert and Captain Rowan. I have both sides of the Blackwater.

7579. Have you got the fishing rights, or did the landlords reserve them?—Oh, I have the fishing rights.

7579. Did you always have the fishing rights?—No, sir.

7578. Is it only since you purchased?—Yes.

7579. Did you buy under the Act of 1863?—I did, and I bought it dear too.

7580. And you have got both sides?—I have, sir.

7581. How long is your river frontage?—Half-a-mile surely, one side, but the other side is not. The north side, Ophert's side, is not.

7582. Are you a salmon fisher yourself?—Never, sir.

7583. Never?—I never fish.

7584. Then what have you done with your fishing since you got the right?—I have it let to Mr. Bedington, up at Ballybooby.

7585. Are there good stands, do you know?—When I was a young fellow there were ten fish killed to one that is killed now.

7586. In the old time?—In the old time.

7587. You have let it to Mr. Bedington?—Does he take any other fishing in the neighbourhood besides yours?—He has three or four miles up here, from Ballybooby to Kingwill, and he has Lord Lislewell's place at the castle.

7588. How much does he pay you for the rent at that fishing?—£19. I used to get £60 long ago. The fishing now is nothing. I don't see them killing much.

7589. Do you say that the fishing on your holding had at one time been let for £30?—I have come to hear it, and one never sees them getting £30 for it. They used to say it must be worth it, but they never used to get it.

7590. Do the other tenants on the bank let their fishing in the same way as you do?—They would, but Lord Lislewell keeps the fishing. I mean Lord Lislewell's tenants.

7591. Are there many other tenants on the same estate as yourself?—No, I don't think there is anyone but me on Captain Rowan's and Colonel Ophert's. And I don't see them killing the fish as all they used to say it would be worth so much and so much, but when you are looking for it you will get nothing. I haven't £3 for one side.

Mr. Green.

7592. You said there used to be, long ago, ten fish for one now?—There used.

7593. Can you remember when that was?—Thirty years ago.

7594. Mr. Harold used to act as agent for letting all this fishing?—He used.

7595. And did he take your fishing from you?—No. Captain Rowan had the north side of the Blackwater. He had the right of fishing on one side, and he was a good man. I liked him.

Mr. Guyon.

7596. What would be the total extent of your holding?—On the south side it is a long Inch; on the other side about half-a-mile.

Mr. Green.

7597. There are 70 acres in that Inch?—There is not about 12 or 13.

Mr. Justice Ross.

7598. Tell us what was your old rent before you bought, or tell us the amount of your present instalments for the two farms?—The south side of it, I heard, was often to be let for £30 and £3.

7599. What is the total amount of the instalments?—Witness—The whole instalment?

7600. The whole instalments that you pay now to the Land Commission?—£80.

7601. Then I suppose you have 150 acres or more?—I have not. It is dear land.

Dr. Mahaffy.

7602. Is it very good land?—Well, I don't know.

Mr. Justice Ross.

7603. You need not be afraid because we are not going to fix a fair rent?—You can't. I am not so foolish, but I know it. The rent was too high in it, and we wouldn't have paid it.

Mr. Green.

7604. But you have got the fishing?—Witness—What good is that fishing for me? Am I not paying rent for it? I set no value on it.

Dr. Mahaffy.

7605. Is it mostly grass?—Oh, yes, and there are paths running through it, and there is accommodation on it, and they do be running up and down on each side.

Mr. Green.

7606. Do you know what your fishing value is rated at?—I don't know. Whenever it is, it is too high. The south side used to get £30 and £3, but Mr. Bedington gave me £3 for accommodation. He gave it to me, for he has to go through my land. I have no more to say, only I know there was a lot of fishing long ago.

Dr. Mahaffy.

7607. I am sure you have more to say, Mr. Barry.

Mr. Green.

7608. I just wanted to know how much your fishing was rated at?—Well, about the value of it, I don't see after it. My wife takes an interest in it.

7609. All you know is that it is too high?—I have a very high rate, and I pay £11 for a very small piece of land there. I haven't much land.

7610. Is your land rated separately from your fishing—have you your fishing rated by itself?—I think I have, sir. One side of the river isn't much to me, Ophert's side. It was some good some time ago. I have others too, and the others interfere with the salmon.

7611. Did the Board of Conservators here ever ask you for a contribution out of that rate—did they ever ask you for it?—I think they did.

7612. And did you pay them?—I did not.

7613. You did not?—I did not. I thought it too dear. There is a lot of trespassing on me on both sides of the river. There are paths through my land, and there is a lot of trespass in my meadow, and what I am getting on one side would hardly pay for the trespasses.

7614. Do you know one any of the other tenant purchasers paying anything towards the expenses of the Board of Conservators?—I can't know any man's business. And why? Since I purchased I intend to my business, and I can know nothing about any man's business.

Dr. Mahaffy.

7615. And your business was to pay nothing for the river?—I never got anything from the river.

Mr. Green.

7616. Wouldn't you like to have your fishing better than what it is?—I would, sir.

7617. What is the Board of Conservators there for, but to try to make the fishing better?—I don't see any poaching at all in my river. Some used to be long ago, but, you see, I wouldn't allow there. I wouldn't allow any poacher on my land. When a man has it bought I think it is too bad for him to have poachers.

7618. I wouldn't like to be the poacher that went on your land?—I wouldn't allow you.

7619. How would you stop them?—If I saw one of them there I would throw him into the river.

[26th September, 1911.]

MR. JOHN BARRY—continued.

[Mallow.]

Mr. Gwynn.

7620. How would you stop them killing fish up in any of those streams where they go up to spawn?—I don't see anyone, only Mr. Bodington, and he fishes for trout a little, I think.

7621. If you wouldn't pay anything to the Conservators, how would the Conservators be able to watch the spawning fish that are not on your water at all, but away up in the mountains?—I can't say. I don't see anyone poaching on my land.

7622. It is not on your land at all that they would be poaching?—I don't see any of them poaching. I see by the paper that they are poaching out towards Ballinacally and those places, but in this large river they don't poach at all, at any rate. They say in the streams, but they don't on the Blackwater.

Dr. Mahaffy.

7623. But the streams feed your part of the river, and it is from the streams that the young fish come down?—They come down from the streams.

7624. And if they are all killed there you won't have anything in the river?—I don't see any poaching at all.

MR. GABRIEL FLYNN, examined.

Mr. Justice Ross.

7630. Do you live on this river?—I do. I have a knowledge of it for over forty years.

7631. What business are you in?—I am in the Post Office, and I was living at Roskown for 42 years. I have a knowledge of all the way up to Benbecul. I was there from 9 o'clock in the morning till half-past 3 o'clock at night, and I fished mostly. I had a license myself, but always trout fishing, and along with gentlemen from forty years ago up till now.

7632. Did you go along with them?—With them. I used to be with them in the winter time, and fish with them and show them the places to fish. And I do that now I am on pension. I am from the Post Office. I remember in 1879 getting nine spring fish on the 11th of February, and in the following two years, from that to 1874, I was up in company with Mr. John Power, and I lived at Roskown at the time, and they began to complain of the falling back of the fish, and I think it was said in 1884 the nets were increased in Youghal, and in 1874 then we noticed the falling off in the fishing on the Blackwater. I am not quite sure whether it was 1883 or 1884, but it was scarcely ten years from the time they were increased till we noticed the falling back. Fishermen would go to Mr. Power and say, "Unfortunately they will ruin us in Youghal." "It won't do you any great damage when the nets continue to be so thick." I saw the first capture taken at Youghal, and it was almost as thick as my finger now.

7633. Do you notice that the fish are getting smaller?—Some years we have a run of small fish from time to time, and for the last couple of years there was a run of small fish in the river, but I saw them twenty-five years ago as small as they are now.

7634. That you don't think there has been any great damage so far as that is concerned?—Well, I don't think so.

7635. Do you think they are getting less in number?—We have an improvement for the last two years.

7636. There has been an improvement for two years?—Yes. The last fishing I remember on the Blackwater was in 1883, and since then they are deteriorating. But the only thing that I would suggest would be that the net fishing on the fresh water should be done away with, and that the fresh water should be left exclusively to rod-fishing altogether, because we maintain and believe that the fish that run up in the weekly close season haven't time enough to get clear away from the nets, and that there would be no necessity for altering the weekly close season then if the nets didn't interfere with the fresh water, and if the fresh water was confined to rod-fishing alone. From that point I have spent my time with the older Conservators that lived at that

Mr. Gwynn.

7635. The reason of that is that the Conservators are paying men to watch the streams.

Mr. Green.

7636. Every tenant purchaser, with any fishing worth a pound a year, ought to pay some little share towards the Board of Conservators?—I have only £2 for one place, and I haven't much by it, with people walking down through the meadows.

Dr. Mahaffy.

7637. I know, Mr. Barry, you had more to say?—I have nothing to say, but, at all events, I don't like too much trespass. I say the others used to do the devil's damage, too.

Mr. Justice Ross.

7638. Is there any point on the river, now?—I don't see one at all, now, but I need to see a great many.

7639. Is there ever a point on the river?—There is, but very seldom.

Mr. Justice Ross—continued.

time, Mr. Power and Dr. Foote, or the Inspector of the Fisheries that we have now, Mr. Drolan, who is the only energetic man since his time up to this. I never knew a more practical man.

7637. Have you anything to say about trout-fishing—is that falling back?—Oh, this trout fishing is falling off. I was a great trout fisher.

7638. Why is it falling off?—In the first place I think the pike have got very numerous in many places and they have been hovering about the mouths of these tributaries, and I don't know what to say about the comments. I think they might do a little damage, but about that I wouldn't care to say.

7639. Did you hear what the last witness said, that if you shot one and shook him the fry would fall out—you heard the witness say that?—I have heard from a gamekeeper of Mr. Longfield's that in the stomach of one of them he got eight or nine, but I think the pike are a greater injury to the trout fishing than the comments.

7640. Well, you have attended many gentlemen when fishing. Is there much demand for fishing on this river now?—Well, I have fished a place on this river when it was let for £45, and I have fished it when it couldn't be let for £2.

7641. And what is it being let for now?—Mr. Hunt gave evidence that it was let for £50, and the opposite party, Mr. Irvine's, is let for £10; so that a place that cost £45 thirty years ago is let for £20 now.

7642. Do the tenant purchasers know the value of it now?—Yes, and if they took an interest in shooting these comments for their own sake, that would be a great help instead of having people putting a price on them. That is a thing I don't believe in, because you will find them shrouded in from other places, and I think it would be well if the gentlemen who have the fishing were to shoot them.

Dr. Mahaffy.

7643. You say a lot of pike hang about the pools?—Yes.

7644. If you tried netting there you would get a great many?—Yes.

7645. That is the way you should use the nets?—Well, I should like to have them done away with. It would improve the river considerably if the pike were done away with.

7646. If you made an application you could get leave to use the nets there for pike?—Well, I think that would be a great thing. I know that in two or three places up there, and especially the mouth of the Clyde, there is any amount of pike there in a pool belonging to Mr. Webb. I never remember the

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Mr. GARRET FRYGGEARS—continued.

[MALLOW.

Dr. Mahaffy—continued.

river being poisoned or anything only once in my life, and I have 42 years' experience there and took a great interest.

Dr. R. H. MONTGOMERY, examined.

Mr. Justice Ross.

7648. You are, Dr. Montgomery, owner of the Careyville fishery?—Yes.

7649. How long have you been owner?—This is the first year.

7650. Your father had it before you?—Yes.

7651. How long are you acquainted with it?—Well, ever since I was born. I was born there.

7652. Is the fishing getting better or worse?—Well, I should say it was not much worse, but I think a great deal depends on the state of the climate. If you get a good run in the spring you will get very good fishing. If you get a run in June you will generally have good autumn fishing; and a great deal depends on that, and I think it comes in cycles. As far as I remember you will have good years and bad years, and I think a great deal depends on the run.

7653. Then, you cannot say there is any marked deterioration?—As well as I remember, and from hearing what my poor father used to say, there is certainly a great deterioration; and I have been living here in Mallow for 18 years, and there is no doubt that fishing on the upper waters has gone down considerably, because rivers have deteriorated here; and that is, after all, the main point. There are places on the river that people used to get 400, 450, and 500 a year for, and now they don't get anything like it.

7654. Careyville is just as valuable as ever?—I don't think it is, only that Mr. Jamison has taken it.

Dr. Mahaffy.

7655. I fished Careyville before you were born, and I think the summer fishing makes a difference. I think we used to get very good fishing in summer, as good as in the spring?—Well, it is as good sometimes if you get the weather. If you get an early spring after good floods in December and January, you will get the fish to come up.

Mr. Justice Ross.

7656. It used to be alive with fish?—It used to be, but this year there was very bad fishing. I am not a novice as regards fishing (I have been fishing for twenty or thirty years myself), but still, as far as I understand it, it is the gap at Lismore that makes the difference in the fishing. The thing that most affects it one way or another is, after all, the alteration of the gap.

7657. What do you think about it?—The Queen's Gap is supposed to be on the bed of the river—the bottom of the Queen's Gap—and that gap is not at the bed of the river, but where there is 20 feet of a rise, and the fish cannot get any purchase to go up the gap. He tries, and he can't get up, and he gets tired after hunting with his tail against the sides of the gap and he is washed down again. And that is the serious thing.

7658. I wished to see that yesterday, and everybody seemed to think that the fish would have no difficulty in getting up?—Everybody can understand that if a fish has no purchase for his tail he cannot get up. How can he?

Mr. Gwynn.

7659. He wants purchase on a rock or something?—On the bed of the stream.

Mr. Green.

7660. Of course the point is that when he meets with a certain amount of difficulty in getting through the Queen's Gap, and he has another stream guide in his way where he has no difficulty, naturally he takes the one where he has no difficulty?—That is like human nature. Another thing is this, remember, if you have a Queen's Gap there is a flow of water coming down through it, and the fish has only the water now to steady himself, and he cannot do it.

7661. You don't think that instead of making for gravel or a stone in coming up he would rather

Mr. Justice Ross.

7662. There is not much poaching?—Poaching is done every where on the Blackwater, as far as the river is concerned. I know nothing about the tributaries.

Mr. Green—continued.

have a deep hole to get up his velocity and make a rush for the pass?—I think he would sooner have a stone to get a purchase. Do you agree with that, Dr. Mahaffy?

Dr. Mahaffy.

7663. I do not?—I can tell you this, that some time ago they made a part of Clondulac weir perfectly smooth, and not a fish could come up there. They want stones as well as water. They can't get up without stones.

Mr. Gwynn.

7664. Would you get no purchase from surging water?—How could you if it is going against you, and this is going 30 miles an hour down. Then how could you get a purchase; but, of course, that is, after all, a matter of opinion.

7665. A fish is constructed for swimming in the water, not for climbing on the land?—But wasn't the fish here purchased?

7666. Yes, in water?—But if it is running with him how can he get purchase?

Mr. Green.

7667. If his velocity is greater?—Granted, but not when the velocity of the water is greater.

7668. If the river has a velocity measured at 12 and he has a velocity of 18 he is going to get up?—A fish has certain powers which are limited. I have seen them myself going up the weirs and fishing, and on the rough places they slide, and they will not go on like that, and they will kick with their tails and then go on again. I have seen hundreds of them in the flood, and if they had only the water, and nothing to cling to, they would not get up. I have seen them washed down. I have seen it in the deep places.

Mr. Justice Ross.

7669. This has been the subject of proceedings, and we cannot make any suggestion about that?—That, I think, is the main point in the whole thing after all. And you see tons and tons of fish that are caught there, 40 tons of fish caught in the year, in those nets at Lismore. And look at what they caught there or four years ago at the mouth of the river. The catch was brought up by the tenants on the river, and instead of being a catch of three thousand a year it is now a catch of ten thousand.

7670. This is all idle if the right has been settled in point of law, and an attempt to interfere is just going back to the days of bows and arrows?—If you could get the bottom of the Queen's Gap put at the bottom of the river, there would be a chance of the fish getting up.

7671. Surely there would be no difficulty in filling up that great hole?—If that was done there would be a great difference in the river. I am talking as a junior now. Look at the position of it that Mr. Jamison, my tenant, pays so much to stock. Look at the way the river has improved up here for the few years he has done it.

Dr. Mahaffy.

7672. That is because the thing is left open?—That is because it is left open. That is a proof that the fish can't go up the Queen's Gap. That is the main burning question. If that was removed your Commission would be over and the fish would have a chance of coming up. There has not been a fish up here almost in the last four years. There was more fishing up here this year. They were catching them by the dozen up at Newmarket and that way.

Mr. Justice Ross.

7673. If something could be done with the Queen's Gap you might destroy the netting at night in the estuary?—I think so. It wouldn't make any difference in the other.

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MR. WILLIAM NOYE, examined.

[MALLOW.]

Mr. Justice Ross.

7073. What have you to tell us?—Well, a little suggestion. I have fished since I was able to carry a little rod to the river. I have watched others and comorants, and I have killed an immense lot of pike out of the Blackwater. I know the Blackwater fairly well. I step across it about Kingswilliamstown, and I know where it flows in at Yeughal. The suggestion I would make is this. The pike, next to man, I believe, are the greatest destruction to salmon. They swallow, wholesale, the young salmon fry; and I believe that if licensed salmon fishers (and this is a thing that I was thinking of long since, and I never opened my lips about it, for fellows would go, perhaps, that would do harm, pike fishing in winter)—if licensed salmon fishers were allowed to net them it would be a good thing. The pike are a pest in winter. Now, these are pike pools in the Blackwater where the pike would be got in winter by licensed fishermen (this is only a thought of mine) if permission was given to licensed fishermen. Again, I have shot a number of comorants, and I would propose that a shilling a head should be given for each comorant.

The Committee adjourned.

Mr. Green.

7074. It is given, isn't it?—No, sir. I got a shilling for one, and took another and I got nothing, and it was discontinued.

7075. Mr. Drogen.—We give a shilling a head for them. Witness—This was some few years ago, and I never went about it since.

Mr. Justice Ross.

Any time you bring in a comorant you will get a shilling.

Mr. Drogen.—I gave £1 for the greatest number of pike in the year and £1 for the largest one.

Mr. Justice Ross.

7076. Have you any other suggestion to make?—Well, comorants a shilling a head. I suggest that, but that if you gave 5s. a head you would have the banks of the river crowded with every fellow that has a gun, and that would do more harm than good.

Dr. Mahaffy.

7077. And it would be dangerous to fight?—If 5s. were paid I would not be one bit afraid if I went out with my gun that I would not get comorants. Naturally, if I was to get 5s., I would go out.

SEVENTEENTH PUBLIC SITTING.

THURSDAY, 14TH SEPTEMBER, 1911.

AT 10 A.M.

At the Courthouse, KENMARE.

PRESENT:—

THE RIGHT HON. MR. JUSTICE ROSS (in the chair).

REV. JOHN FENELAND MARAFFY, D.D., LL.D., O.V.O.
MR. STEPHEN GWINN, M.P.

MR. W. L. CALDWELL, F.R.S.E.
MR. W. S. GREEN, C.B.

MR. R. H. LEE, Secretary.

MR. DAVID HOWICK, examined.

Mr. Justice Ross.

7078. I believe you are the Clerk of the Kenmare Board of Conservators?—Yes, sir.

7079. How long have you held that office?—For four years.

7080. And what rivers can you give us information about?—The Boughy.

7081. Then tell us about it. Do you consider it a good salmon river?—Yes.

7082. Naturally a good salmon river?—A grand river.

7083. And is that river much poached?—It is, sir.

7084. Is it poisoned?—Yes, sir, to a great extent.

7085. In what way?—By poison—by spurge, lime, and, in some cases I believe, dynamite.

7086. Is it a good angling river?—A splendid angling river.

7087. Is there any net fishing on the river?—There is illegal netting in the river.

7088. There is illegal net fishing in the river?—On some occasions there is.

7089. On what part of the river does that take place?—That is the lower part.

7090. Now, how many men have you under you?—I have about a dozen.

7091. And are they enough?—They are not. They would be if they were good enough.

7092. But you are not able to get satisfactory men?—No, sir.

7093. Are they natives of the place or are they strangers?—They are natives of the place.

Mr. Justice Ross—continued.

7094. And I suppose you feel the inconvenience of that, as I suppose they are not severe on their friends?—That is just the case, sir.

7095. Now, as to the funds of the Board, is the amount of money sufficient?—No, sir.

7096. You have not sufficient money?—No, sir.

7097. Have you any suggestion to make about any addition to your funds?—Well, if there was an addition to the funds we might be able to get better bailiffs on the river.

7098. How much do you pay these bailiffs, approximately?—Well, it is very small.

7099. But if you had more money you could get better?—We could get better.

7100. Do the members of your Board of Conservators attend regularly?—They do.

7101. And they take an interest in the work?—Yes.

7102. They know their business?—To the best of my knowledge.

7103. Now, is it a trout-fishing river?—Yes.

Mr. Gwynn.

7104. Sea trout or brown trout?—Sea trout.

Mr. Justice Ross.

7105. The white trout go up a good way?—They can go some way.

7106. They go up a good many of the tributaries, I suppose, as there are a good many tributaries?—Oh, of late years a trout has not gone up the river.

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MR. DAVID HOWICK—continued.

[KESMARE.]

Mr. Justice Ross—continued.

7707. Why?—I believe on account of the setting outside in the bay, outside the headland as well.

7708. Is there much netting in the bay?—To a great extent there is, down to Kesmare.

7709. Do you know how many fishermen are engaged in that?—I couldn't tell you.

7710. And what kind of nets do they work with?—They are trammel nets and—

Mr. Green.

7711. He is only speaking of salmon nets?—There are no salmon nets down the bay except four, really speaking. There are generally three or four sweepers which make all the year during the fishing season.

Mr. Justice Ross.

7712. Are there any fixed nets in the bay?—No, sir.

7713. No fixed nets?—No.

7714. Are there any drift nets in the bay, or are the drift nets used outside?—There are only the nets that are used for sea fishing.

7715. Those are drift nets?—Drift nets.

Mr. Green.

7716. Those are for mackerel?—Yes. They do a lot of herring.

Mr. Justice Ross.

7717. Do you think they catch white trout?—They do, sir.

7718. And salmon?—And the salmon.

7719. Have you any notion how many people are engaged in this business in the bay and in the estuary?—I haven't the least idea.

7720. But there is a very large number?—There is a very large number.

7721. Is there any way of pettolling the bay—is there a motor boat?—The Board can't afford it.

7722. They can't afford it?—No, sir. That is what they really want.

7723. You have a common air boat?—Yes, we have a small boat.

7724. Do you find many people trespassing?—Oh, no, they are too far away from where my boat could go. It is only further down from where my boat could go that they really take place.

7725. Do they observe the weekly close time?—Oh, yes, they do.

7726. Fairly well?—That is, the men engaged in the salmon fishing.

7727. They do observe the close time?—They do.

Mr. Green.

7728. Have they got salmon licences?—Yes, sir.

Mr. Justice Ross.

7729. Is the poaching you speak of mainly done by people with licences or without licences?—People without licences.

7730. And do they poach all up the river?—They poach up the river.

7731. And your men are not adequate to watching them?—They are not, sir.

7732. Have you had many prosecutions?—Yes, there have been a few prosecutions.

7733. And have you got convictions?—Yes, we have got convictions. In some cases we have not got them.

7734. And, in your opinion, was that owing to the weakness of your case, or have you anything to complain of in the magistrates?—Oh, not at all. It is the weakness of the case.

7735. You have no complaint to make against the magistrates?—Not at all, sir.

7736. Now, in the tributaries we are all aware that there is a good deal of sponge-poisoning?—There is, sir.

7737. That is continually taking place?—It is.

7738. Do you know that river that goes up to Mr. Lowe's?—We call it the Upper Roughly to distinguish it from the lower part.

7739. It would be a fine river if it got fair play?—A splendid river, especially for spawning.

7740. And has it been poisoned within the last few days?—It has. It fact there is, roughly speaking,

Mr. Justice Ross—continued.

about seven miles poisoned—six to seven miles poisoned this year.

7741. In addition to the poisoning, is there spawning of the salmon?—A great deal.

7742. And the people don't seem to know the mischief they are doing, do they?—Well, they don't think it is any harm.

7743. And what do they do with those fish that they spear and get in this way?—They sell them.

7744. Where?—Ah, that's the thing. I know that they send them to Kilmaree, and these different places, but they sell them so quietly that I can't get to know where.

7745. It is impossible to find out that?—It is impossible to find out.

7746. Now, do you get assistance from the police?—Great assistance.

7747. The billies always get protection, but, I suppose, it is a quiet country?—It is pretty quiet. At the same time one cannot trust it.

7748. Now, are there many parts of the river where the tenants have bought out their holdings?—There are a few.

7749. Are you speaking of the tributaries or the main river?—I am talking about the main river, in the upper part of the main river. There are a good many that with their own holdings have got the fishery.

7750. The fishing rights have not been reserved?—They have not been reserved.

7751. Can you tell us whose properties have been sold?—Well, in the upper part there is Captain Lowe, and Abbott, Downing and Orpen.

7752. And they have all been sold?—Yes, sir.

7753. And have the fishing rights been reserved at all?—Oh, yes, Captain Lowe kept his own fishing rights.

7754. And what did Mr. Orpen do?—I can't answer for all the proprietors.

7755. When did the sales take place?—I can't answer that.

7756. Have you noticed any change in the river since the sales took place?—Yes, sir, the poisoning has been on the increase.

7757. Do you think the river is getting worse or getting better?—Getting worse, sir.

7758. What do you attribute that to?—Different causes.

7759. Would you tell me some of them?—Well, in some places where there are tenant proprietors it is more difficult to watch them or to catch them, because they keep on the banks of the river, on their own farms, perhaps supposed to be attending to their flocks as the case may be, and they may be perhaps contemplating putting poison in at the same time.

7760. But do they not understand that they are injuring themselves by putting poison in if they have the right of fishing?—I don't think they care.

7761. Do you know whether there are any cases in which they combine to let their fishings to any anglers, or anything of that kind?—I believe there are.

7762. They do?—I think in one case.

7763. Do you know to whom is the letting made?—I dare say Mr. McCleave will be able to tell you that.

7764. But as yet you don't know of the tenants taking up the matter and combining to let their fishing rights to some one person?—No.

7765. And the poisoning is getting worse, you say?—Yes, sir, on the increase.

7766. Have you any suggestion to make that we might consider with a view to dealing with this mischief?—No, sir, I have not; but one of the other gentlemen will be able to do so.

7767. Now, as regards the trout fishing, is the trout fishing injured at all, or have you any pike to the river?—I don't know. I have no idea.

7768. Is there any injury caused by commorants?—Fearful destruction done by commorants.

7769. Where?—In different parts of the river.

7770. Both down in the bay and up in the upper reaches?—Yes, and up in the upper reaches.

7771. Have you any system for disinfecting the commorants, such as giving a shilling a head for them, as they do in other places?—The Conservators don't, but

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MR. DAVID HOWE—continued.

[KENDRICK.]

Mr. Justice Ross—continued.

I don't know whether the owners do it in different places.

7772. The Conservators don't?—No, sir.

7773. And you say you don't know whether the owners do or not?—No, I don't know.

Dr. Mahaffy.

7774. You say that there would be a splendid river but for the poaching. Hasn't it always been poached—in all your memory hasn't it always been poached?—It has been poached.

7775. Why do you call it a splendid river—what is the best day that a man has ever fished in your memory?—Of course, I am only speaking for myself, those four years.

7776. In your time you never knew a good day's rod-fishing on it?—Only what the people tell me themselves, those who go fishing.

7777. What do they tell you?—Some of them say they had a good time.

7778. With regard to the net fishing down in the estuary, are there not several rivers that hold fish running into the estuary?—I know that there are several rivers that hold fish.

7779. How many rivers are there running into the Kenmare river that hold salmon or sea trout—there is one at Skern, certainly?—At Skern there is, and before you come up there, there is, down at Glensloagh, the Slag river.

Mr. Justice Ross.

7780. You know the Derreen. Do salmon go into it?—The Derreen, yes.

7781. There are about half-a-dozen rivers?—About half-a-dozen rivers.

7782. And are they all looked after by the same Conservators?—They are. These are waters that are not looked after. They are too far away, and they have not got the money to pay for a responsible belief to look after them.

7783. Did you ever get a conviction for poaching?—No, sir, not in my time. There was before, I believe. It is a most difficult thing to catch the offender.

7784. And it is the worst form of poaching?—It is.

7785. It is all done with spruce here?—Scarcely done with time.

7786. And is there plenty of spruce growing on the banks of the river?—A splendid crop, sir.

7787. On the banks of the river?—Yes.

Mr. Cullerwood.

7788. What is the income of the Board of Conservators—how much money have you got?

* Mr. Green.

7789. What was your last balance sheet?

Mr. Justice Ross.

7790. Tell us roughly?—I will tell you in a minute, please. £169.

Mr. Cullerwood.

7791. That is all the money you have available for protection, is it?—Oh, no, sir.

7792. I want to know how much money you have in hand for use. What is your yearly income?—£169.

7793. That is your income?—Yes.

7794. From what is that chiefly derived?—Sale of licenses; voluntary subscriptions; grant from the Department.

7795. How much is the grant from the Department?—£60 this year.

7796. What sort of licenses do you issue most of all?—Drift, sweep, and the rod license.

7797. How many rod licenses?—The average—about 20 this year.

Dr. Mahaffy.

7798. That is, 20 rod licenses in all the rivers?—Yes.

7799. I suppose very few fish on the Boughla?—Very few.

Mr. Justice Ross.

7800. I have got here a return which you made some time ago, and the figure that you have just given us, £169 £s., as the income of the Board, appears here; and then there appears the expenditure?—Yes, sir.

Mr. Justice Ross—continued.

7801. And, so far as I can gather from the figures here, you are a good deal to the bad. The expenditure is £248, and the income only £169 £s. Is that so?—That is right.

7802. And then you are going to the bad year by year?—Oh, no, they meet it by voluntary contributions.

7803. Who give the voluntary contributions?—The gentlemen around, proprietors mostly.

Mr. Cullerwood.

7804. You are about £80 to the bad on the year. Is that a usual condition with you, to be about £80 to the bad?—Oh, no, sir; they have a small amount in the bank yet.

7805. And do you pay over a balance at all at the end of your three yearly periods?—We have had a balance left those last two or three years.

Mr. Green.

7806. How long have you been resident in this country?—About 16 years.

7807. And how long have you been clerk to the Conservators?—Four years. I was a constable.

7808. Would you explain to me about the nets in the estuary. You say that there are four licensed nets for salmon fishing, but how many people are there licensed to fish for salmon in the salt water?—Three, sir. That is all.

7809. Is that all nets?—What they call a sweep.

7810. What is that?—A seine, worked by two boats.

7811. Is that licensed for salmon?—That is licensed for salmon.

7812. Are there not net fisheries as well as that?—There are, sir.

7813. How many of them?—There is another sweep licensed there from the Mahony estate.

7814. That is four in all?—Yes; and they have a rig seine as they call it, a drift net as well.

7815. That is five nets in all?—No, sir; there are nets further up. There is one down further at Skern, Colonel Warden's, and there is Lord Lamdun's, and Mr. McCarthy's, and Dr. Mayberry's, and Mr. O'Connell's.

7816. That is about a dozen in all?—Yes, sir.

Mr. Green.

7817. Does Mr. O'Connell fish that net?—Yes, sir; he fishes there at Ardilly.

7818. That is in the fresh water, that is not in the estuary?—That is in the fresh water.

Mr. Green.

7819. I want to know how many nets are there licensed to fish in the salt water of Kenmare river for salmon?—Nine, sir.

7820. And is it your opinion that what is injuring the river here is over-casting in the salt water?—Well, not exactly. The salmon nets are doing it.

7821. Not the licensed nets?—Not the licensed nets. It is the unlicensed nets down the bay.

7822. What nets are these?—Thoseammel nets that they have out in the bay.

7823. Are those men supposed, when they catch a salmon or white trout, to be fishing for salmon and white trout, or are they supposed to be fishing for mackerel?—Mackerel and other sea fish.

7824. They just take anything that they get?—Oh, there is no doubt about it.

7825. Now, have you any way of interfering with them for doing so?—No, sir.

7826. But if you found them with salmon or trout would you be able to prosecute?—Oh, yes, certainly, if I found it on them.

7827. According to the law, if a man fishing for mackerel catches a salmon or sea trout, what is he supposed to do with it?—Return it to the water again.

7828. That is all?—Well, that is hardly done.

Dr. Mahaffy.

7829. Did you ever hear of anybody that did that?—No, sir.

Mr. Green.

7830. But if they caught the fish at all they would be bound?—In the vicinity of a river with salmon or trout going up it might happen that the man might be prosecuted for having it in his possession.

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MR. DAVID HOWICK—continued.

[KEMMARE.]

Mr. Gwynne—continued.

7831. But is there any way in which this could be interfered with?—Well, they would want to put down that, and that would be a good thing.

7832. That is to say, you would want to watch the haul of every mackerel net?—It would not be at that place, but if there was a guard boat down the bay, and they didn't know when they were going, they would be more careful.

7833. What I want to know is this, is it your opinion that the men are really fishing for mackerel and catching white trout, or are they fishing for white trout and catching mackerel?—No; they go expressly for catching white trout, and they don't mind catching a few mackerel with them if they can get them.

7834. And you think that is doing injury to the fishing here?—That is doing a lot of harm.

Mr. Green.

7835. Tell me, about how often has the Roughy been poisoned this year?—The Roughy, four, and the upper Roughy, nine times—thirteen times altogether.

7836. Thirteen times?—Yes, sir.

7837. Has it been poisoned thirteen times?—Yes, sir.*

7838. In how many cases did you capture anybody that was implicated?—None; no conviction for poisoning.

7839. Where was your last conviction for poisoning?—That was five years ago.

7840. Was there any other poisoning of any other river besides the Roughy?—Yes, sir, the Sheen.

7841. Was the Sheen poisoned this year?—Yes, sir, twice this year.

7842. Was there any conviction?—No, sir.

7843. Or was there anyone caught?—No, sir.

7844. Do they poison the Blackwater at all?—I am not aware of it, sir.

7845. Did they ever poison the Blackwater?—I could not say.

7846. Then, the two rivers that are poisoned in your district are the Roughy and the Sheen?—Yes, sir.

7847. Now, do you think that the poisoning or the fishing that you speak of does the more harm?—Of

Mr. Green—continued.

course the Sheen river has been poisoned, you know, too, in the year.

7848. Now, do you think that the poisoning or the net fishing that you are speaking of is the most injurious to the general interests of the fishing in this district?—The poisoning is the worst.

7849. Now, the tramline that you are speaking of, where are they set?—Down beyond Soem, in fact, across Soem Harbour—down beyond Soem, towards Cluane.

7850. In what depth of water are they set?—I couldn't tell you that.

7851. Are they set in 20 fathoms?—I have noticed nets in the bay as I have cycled down, and they seemed to be out in the middle of the bay—in some cases it was on the opposite shore.

7852. Well, those would be on the surface of the water; they would not be set at the bottom?—They have great depth too. At certain stages of the tide they would be touching the bottom while floating on the top.

7853. And that is close to the mouth of the river, is it?—No, but down away from the river, along the shores. In some cases they get them back to back almost.

7854. Across the Kenmare river?—Yes, down below there.

7855. That is quite close to the town of Kenmare?—I don't mean that. Kenmare Bay.

7856. How could you have the net set across Kenmare Bay from shore to shore?—Down where those islands are; and at certain stages of the tide there is very little channel left.

7857. That is done between this and Rosmore?—Further down than Rosmore, although there is some down there too.

Mr. Justice Ross.

7858. What is the size of the drift net they use in the Kenmare river, in the estuary? Witness—For salmon?

7859. Yes?—180 yards.

7860. 180?—Yes.

MR. WILLIAM ROCHFORD, B.A., J.P.

Mr. Justice Ross.

7861. You are Lord Lansdowne's agent here?—Yes, my lord.

7862. How long have you known this Kenmare river?—I have known it for more than 20 years.

7863. And do you think it a good river for fishing purposes?—There are several rivers running into the estuary, a large number of rivers and lakes.

7864. Well, taking the main river, the Roughy, do you consider it a good salmon river?—Yes, of great natural capacity, and a free taking river. It is good for salmon. That is its reputation.

7865. Well, is it getting better or worse?—Worse, I believe. No doubt about it.

7866. To what do you attribute that?—Mainly to poisoning.

7867. The quantities of spurge that grow here, I suppose, assist very much in the poisoning?—Yes, it provides poison on the banks of the river.

7868. It is almost impossible to catch the offenders, I suppose?—Well, it is very difficult, apparently, without a larger staff of halfpence than is available.

7869. You heard the last witness say that he had 12 halfpence, and that he thought they would be sufficient if they were good enough—if they were well enough paid and good enough men. Do you agree with that?—Well, quality is often more important than quantity in a bait, but it requires watching all night, and the poachers watch the bait, and unless you have an adequate staff of men to keep reliefs up, they take advantage of the temporary absence of the bait to get in the poison.

7870. Then, you think there ought to be more men?—Yes, if there were funds available.

7871. The funds are rather small, £109?—It is an enormous district, but the fishings are of little letting value. The valuation is low, and that is the main source from which the income of the Conservators does

Mr. Justice Ross—continued.

7872. Do you think that the valuation is not adequate?—I do not say that, but I think the fishings have deteriorated so much that they won't admit equality of a higher valuation being put on them, but if the fishings were improved the valuation would automatically go up.

7873. They would rise?—Yes.

7874. Now, to your knowledge, has there been much operation of the Land Purchase Act along the river?—Mainly on the Roughy, and particularly on one side of the Roughy.

7875. Which side?—The north side. It might assist you to put in this map, my lord. (Map handed in.) It shows this river on an inch scale, and Lord Lansdowne's estate, whose property in the district is shown.

Dr. Mahaffy.

7876. And the red line marks Lord Lansdowne's estate?—Yes, the boundary.

Mr. Justice Ross.

7877. I see it is somewhat scattered?—It is mainly in one block, except that there are certain pieces on the north, and the Trinity College property comes in between.

Dr. Mahaffy.

7878. It is to and out with Trinity College?—Yes, at that point, but south of the River Kenmare it is all in one block, 25 miles long.

Mr. Justice Ross.

7879. You say that there has been land purchase?—Yes, on the Roughy, that is, land purchase where the fishing has not been reserved.

7880. And is it the general rule when land purchase takes place that the fishing is reserved?—On Lord

* See p. 226, q. 8109.

14th September, 1911.]

MR. WILLIAM ROCKFORD, D.L., J.P.—continued.

[KILMARKE.

Mr. Justice Ross—continued.

Lansdowne's estate it is reserved, and on Mr. Lowe's it is reserved. On a considerable portion of the Roughly it is not reserved, and on other portions of the Roughly it is reserved—partly one and partly the other.

1881. And is there a considerable fringe on the part where it has not been reserved?—Yes.

1882. Have you noticed any change since land purchase was carried into effect?—Well, the poisonings on the Roughly have absolutely increased considerably since the tenants have signed purchase agreements. I understand the vesting orders have not yet been made. That applies to part of Lord Lansdowne's estate and to Mr. Lowe's, and to the estates of other proprietors.

1883. And then all the tenants are at the present time paying interest?—Presumably so.

1884. And have you been able to notice that this poisoning has increased since the agreements were signed?—Oh, yes.

1885. How long is it since the agreements were signed in the case of Lord Lansdowne?—Three years—1908.

1886. And Mr. Lowe?—About the same time, I believe. But actually on the Roughly they set up some traps as well as poisoning; and they have hollowed the bed of the river so as to catch the fish that fall to make a jump and fall back off the artificial ledge of the rock which has been stuck with stones to make it a trap. That seems to be their idea of the exercise of ownership, to take as many fish as they can out of their bit of river.

1887. And is that observation particularly pointed to cases where there has been land purchase?—Yes; that is their idea of exercise of the rights of ownership, and quite a natural idea, that they should take all the fish in their water by any means that they can employ, regardless of its effect on the rest of the river and of its ultimate effect on themselves in destroying the river. Their idea is that they have bought their holdings and have got the fishing, and they had better take what they can out of it. It is a rather short-sighted view.

1888. They don't seem to appreciate the value of the fishing?—Apparently not.

1889. Have you met with any case where they combine together to let the fishing?—No, not in this neighbourhood. In fact I have never heard of any successful combination of tenants. In fact, as far as our information goes, they have not shown the necessary capacity for co-operative management, and they have rather failed in that respect.

1890. Do you know is this a trout river?—Yes, nearly all the river courses hold brown trout, and in some of them there is a run of white trout.

1891. Then they have a valuable asset?—Yes; a good white trout fishery is over a more valuable commodity than a salmon fishery would be.

1892. There are plenty of fine hotels here in the South that ought to tempt anglers to come?—Yes.

1893. Now, knowing all the conditions of the river here and the fishing, and having thought over the matter, have you any suggestion that you think we could take into consideration with a view to improving the conditions for the benefit of all parties?—Well, the first step, my lord, I think, should be to try to make some more effective preventive for poisoning.

1894. Have you any suggestion to make about that, because it seems to be so difficult when they poison the river to catch them—do you think that supposing there were severe penalties imposed, that would have any effect?—Well, it is difficult, and has been difficult, and it is of no use because you must first obtain a conviction. But if there was some way of imposing a fine on the district immediately concerned, such as takes place under the operation of the Malicious Injuries Act, I think that would be a deterrent. It has prevented injuries such as the burning of mountains and things of that sort in other parts of the country. I think on the mere fact of the outrage having been committed, and the damage assessed, that damage should be levied off the occupiers of the district where the outrage has occurred.

1895. You have given us one suggestion which seems of considerable value. Have you any other suggestion

Mr. Justice Ross—continued.

to make?—I think one of the great difficulties is the inadequacy of the income at the disposal of the Conservators.

1896. Have you any suggestion to make about that?—I think the net licences are much too small, compared to the rod licences. The seine net is only £3 and the rod licence is £1.

1897. So that you think it would be a reasonable thing to raise the licence in the case of the net fisher?—Yes.

1898. And if the men understood that it would bring more fish to them, do you think they would object?—I don't think they would. I am informed that they have intimated through their spokesman, Mr. O'Shea, M.P., that they would not object if they thought the money was well expended and that they would benefit by the better preservation throughout.

1899. Now, have you any other suggestion, on the general condition of the river, of anything that we can do or recommend?—Well, with regard to mitigation of sentences where convictions have been obtained. At one time we had serious cause of complaint, not so much lately. It is sufficiently difficult to get a conviction under existing conditions, and then to have the sentences remitted by the authorities in Dublin has a very discouraging effect.

1900. So we have heard elsewhere, but there has not been anything of that kind recently?—Not here for the last four years.

1901. Then we may disregard that for the present. Is there anything else?—I wanted just to say a few words in relation to Lord Lansdowne's position in the matter. He has asked me to explain that when it became a question of selling the estate to the tenants he decided to retain the fishing rights, and intends doing so in any future sales that may take place, and such reservation seemed to him the only possible course unless the fisheries are to be altogether sacrificed. Well, in taking that decision he bore in mind that he and his predecessors for many generations had exercised a very real ownership. It was not merely a question of leaving the rivers derelict, but they had, as far as it was reasonably possible, water bailiffs put on all the streams and proper supervision, and considerable sums have been expended.

1902. Water bailiffs?—Yes, paid by Lord Lansdowne, quite apart from the Conservators. For instance, he spends £120 a year on protection of the Shenn shore, in the hope of trying to stop poisoning; and a good deal of the money goes into the pockets of the riparian occupiers, so to speak, having an interest in the protection of the river.

1903. Has that been found effective?—To some extent.

1904. Is there much poisoning on the Shenn?—Less than there was, but it has not altogether ceased. We have had recent poisonings, but it is not so bad as the Roughly.

1905. I suppose the poisoning is by adult persons who want to go the fish?—I believe that is so. It is a saleable commodity, poisoned fish, fourpence or fivepence a pound. So I am reliably informed.

1906. It might be done, of course, by young fellows?—Yes, but I think it is deliberately done on the Shenn.

1907. And spending this money in the way that you have mentioned has, you think, diminished the poisoning?—It has diminished the poisoning, but it has not altogether stopped it. Lord Lansdowne has also pointed out about the fishing at the mouth of the Shenn, which, of course, gives him an additional interest in protecting it.

1908. In what way?—He tells it for profit, but the profits for eight years have only averaged £40 a year. That is the net profit, and that is before you take into account the expenditure on bailiffs, so that it is really a loss.

1909. But you speak of net profits?—It is not in the sense that all expenses are taken off except the bailiffs, and if you take off the bailiffs as well, it is a net loss of £80 a year.

1910. Can you tell us something about the quantity of fish by weight, or the number of fish?—Yes, it is on the form which I hand in. [Paper handed in.]

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MR. WILLIAM ROCHFORD, D.L., J.P.—continued.

[REMARKS.]

Mr. Justice Ross—continued.

7011. I see that in the year 1908 there were 768 fish?—That was their best year.

7012. And then there is a sudden fall in 1904 down to 335, and in 1905 the number is down to 288, but it goes up again in 1906 to 404. Then the next year it is 278; in 1908, 329; in 1909, 358; and then there is a drop in 1910 to 208, and in 1911 the number is 304. Can you attribute these sudden swings and fallings to any cause?—A good deal to the state of the water. In a wet summer when there are frequent floods the fish are tempted to run and come up nearer the mouth and are captured; and I think the more frequent poisoning of the Roughly has also affected the take of the nets, because a certain number of fish taken by the nets are missing for the Roughly. The channel runs very near the mouth of the Sheen.

7013. You don't mean that the nets got some of the poison that is sent down the Roughly?—I don't mean that, but that the number of fish that have been poisoned has decreased the stock generally in the bay, and in that way affected the numbers taken.

7014. Now, is there anything else that has had a bearing on this?—I understand that you are putting his views before us now?—Yes, I began by stating that his decision to reserve the fishing rights as he has reserved them seemed to him the only possible course unless the fisheries were to be sacrificed altogether; and then that the alternative, the only practical alternative, was to hand over the fishing rights to the purchasing tenants, though by late years' experience this course did not seem likely to yield very satisfactory results as regards the preservation of the rivers. The western tenant has not shown any capacity for co-operation, and it is only by co-operation that the effective management of a salmon river can be carried out. The conditions for applying co-operation are unfavourable in the case of a river. Even assuming that men might co-operate in other matters, it is a very difficult thing to bring about a co-operation for the preservation of a salmon river. For example, take the River Sheen. What would happen would be that the only fishing values would fall to some eight or ten tenants who happen to own a pool. There are 71 tenants even on the Lansdowne estate on the Sheen. There are some other proprietors also on the Sheen, but on one side there are 71 riparian proprietors and there are only 12 of these who have valuable fishing streams from the angling point of view, and consequently it would be a very difficult matter to bring together the remaining 60 tenants who do not get much to make them take any effective interest in the preservation, but without their co-operation in looking after the fish in the spawning beds, and that branch of preservation, it is obviously very difficult to handle the river with effect and to preserve it.

7015. Has he retained the fishing rights so far as he has sold?—Yes, and intends doing so when he has not sold. With regard to two parishes out of three, the tenants have agreed to the terms, and the fishing rights are reserved to Lord Lansdowne.

7016. Is there anything else?—No.

Dr. Makgoff.

7017. I should like to ask a question with regard to the poisoning. We found in some parts of the country that poisoning with sponge was a new discovery. How did it come with sponge here?—Well, a glossiness was asked why they did it, and he replied, "it is a time-honoured custom, sir."

7018. It is an ancient thing to do, then?—I believe so.

7019. Are there not very good trout lakes on this estate that don't communicate with others at all?—Whereas?—Up in the mountains?

7020. Yes?—But the best ones are those in communication with others.

7021. Are there not lakes with good trout in them that don't communicate?—Yes, and practically the fish could not run into them.

7022. Quite so, but they fish there?—Yes.

7023. And these lakes are part of the fishing property?—Yes.

7024. They may be valuable?—Yes.

Dr. Makgoff—continued.

7025. But are difficult of access?—Yes; in what they call the Cader range of mountains.

7026. And would attract a fisherman by reason of the fact that these two conditions are together?—No doubt they would.

7027. You say the poisoned fish brings now only a shilling or fivepence a pound?—Yes.

7028. We heard lately that poisoned salmon was sold as ordinary salmon?—That is rather a departure. Any poisoned fish that I have seen is unwholesome and poisonous.

7029. You could tell a poisoned fish by looking at it?—Yes, but there are other people who can tell more about this than I can.

Mr. Coldenwood.

7030. I should like to ask you a question in reference to what you said about the tenancy purchases in the Sheen district. I think you said that out of a total of 71 there were only seven who owned pools in the river?—Twelve, I think I said, got fishing streams that would be worth something to an angler.

7031. Is it that 14 of the 71 had land abutting on the river?—Yes, there are 71 riparian owners, but for the most part this is a mountain country, and where the river is fishable there are only about 12 pools that would belong to about 12 tenants.

7032. But still amongst these others of the 71 there are many whose land did abut on the river?—Yes, but would have very little or no value for salmon-angling purposes.

7033. But would have some value from the spawning point of view?—Yes, practically so, in the higher reaches.

7034. So that when you told me that it was very difficult for such men to co-operate you were referring rather to those who had the fishing instead of the spawning streams?—Well, I meant to convey that a man whose water had no sporting value would not be disposed to make any sacrifice to preserve the river for the benefit of the few fortunate men who happened to have got good pools.

Mr. Wynne.

7035. Supposing the water was let as a sporting tenancy, have you any idea of what amount of rent it might be expected to yield or what amount of fish might reasonably be expected to be got out of it in the year?—I can give you evidence on the latter point. About 40 or 50 fish in the year—not so many.

7036. Its letting value would only be roughly about £30?—Yes, but when it has been let it has not been let in that way, because Lord Kerry lives at Sheen Falls, and Sheen Falls was let as a residence, and the fact of there being a salmon river attached to it made that residence very much more attractive.

7037. I suppose all the waters of this estate are interesting rivers?—Yes.

7038. There would be no fish in them before June?—Very few, if any.

7039. And would you agree with me that the most valuable kind of fishing river is probably the most early-running?—Yes.

7040. In any case your point is that the total probable rent of the river would not make an appreciable sum to distribute amongst 71 tenants?—No, not in its present condition.

7041. In any condition, do you think it would?—Well, considering the great number of tenants, I think that it would have very little appreciable amount for them. It would be something very small. I show on Ordnance Map of the Sheen. [Reads in.]

7042. Is it as important a river as the Roughly?—I think the Roughly perhaps a better river than the Sheen.

7043. It is more or less of the same class as to size?—Well, the Roughly is rather a bigger river, with bigger pools.

Mr. Justice Ross.

7044. I suppose you will never get a man who has a pool opposite his land to agree to have only the same amount as the man with no pool?—Probably not.

19th September, 1911.]

MR. WILLIAM ROCHFORD, D.D., J.P.—continued.

[REMARKS.]

Dr. McShaffy.

1945. I think I see there an estate which is not owned by Lord Landsdowne; is that in the same condition?—Yes.

Mr. Justice Ross.

1946. To whom does the other estate belong?—To two proprietors, Dr. Maybury and Miss Palmer.

1947. Have they sold?—Dr. Maybury has sold.

1948. Has he reserved the fishing?—Yes.

Dr. McShaffy.

1949. Is there a like condition on either of them?—Not another Boughly or Sheen, but there is a river.

COLONEL C. W. WARREN, J.P., examined.

Mr. Justice Ross.

1953. I understand you are a member of the Board of Conservators?—I am.

1954. A proprietor?—And a proprietor.

1955. Your estate is on the north side of this river?—On the north side.

1956. Opposite to Lord Landsdowne?—Yes.

1957. And how many rivers have you there?—There is one main river that divides into two about a mile from the sea and falls in at the village of Smeem into salt water over a fall. One of these is called the Ardshillan, and the other is called the Smeem river. There is a third small stream that comes from the Waterville direction and flows into the sea a little lower down called the Oureugh. They all hold salmon, but the Oureugh holds only a few. It holds, however, a good many white trout, and all three rivers are very good for white trout. They hold a large number of white trout.

1958. Do you let the fishing or use it yourself?—No, I use it myself entirely.

1959. And is the fishing getting better or worse?—It is worse. I have known it now for 30 years. It certainly is getting worse, and as far as the last 12 years I can speak. I also have acts at the mouth of the river. I hold a licence for a bag net, and I have also a seine net. I have not used the bag net for the last six years owing to the fact that there are an enormous amount of seals at the bay and I can't keep the bag net. The seals go through the bag and take the salmon out and tear the bag to pieces, and though I have had a man in a boat looking after the seals and trying to drive them away, I found that it was impossible to cope with them as the bag net is a fixed net and it is worked all day and all night. It is an expensive net, and I found that it was impossible to try to work it because every year I had to do so much repair that it cost too much in time and it was only catching the seals to come into my river. So I have not worked the bag net for some years now, and I simply work the seine net, and I never work the seine net practically till after the middle of June, and I generally stop it about the 15th of July. I only take a certain amount of fish and allow all the rest of the fish to go up. My intention was to try and catch enough of fish in the net to try and help to pay for the preservation of the river. I can tell you exactly the deterioration that has taken place from the year 1898 to the year 1904 inclusive. I have a record from 1898, and from 1898 up to 1904, 2,777 fish were taken in the net. From 1905 to 1911 inclusive 1,715 were taken, showing a deterioration of nearly 30 per cent. in that small time.

Dr. McShaffy.

1960. How many salmon and how many sea-trout?—We never take sea-trout. The net is, of course, a salmon net.

Mr. Justice Ross.

1961. A net that is not intended for sea-trout?—There is no likelihood of ever taking any sea-trout in the net except that by chance you might get a few perch—anything over two pounds (we get perhaps a dozen in the year); but the others, of course, go through

Dr. McShaffy—continued.

I could also give you the number of riparian owners on either river of the estate.

Mr. Green.

1958. If the Boughly got the same care that the Sheen has got, you think it would be a much more valuable letting river?—That is the general impression amongst people who live in the district and fish both rivers.

1959. Is that Upper Boughly looked after very well by Mr. Lowe's people?—Well, he endeavours to do so, but apparently with very bad success. I got in a memorandum as to the poisonings of the rivers. [Memorandum headed in.]

Mr. Justice Ross—continued.

the net. They are too small a size and the mesh is too large to hold anything under about two pounds.

1960. You say that these rivers, notwithstanding that you have been giving them apparently a very good chance, are not improving. To what do you attribute the deterioration?—Well, the salmon always on their way up the bay hug the shore. They come along the shore, and no doubt I get a certain amount of fish that are on their way up to the upper rivers (and, in fact, the fishermen always tell me that they can tell a Blackwater fish from a Smeem fish, but whether they can or not I don't say), but there is no doubt that great injury is caused first by the seals and second by the poisoning, that poisonous habit that they have, though I am glad to say that I am fairly free from that trouble. There has been no poisoning on my river for the last two years, and in the time that I have been there, for the last twenty years, there have been very few poisonings because it is generally done in one pool and it is soon at once and the fish have been taken out and the people who poisoned it have got no advantage. They have never been able to keep the fish. But in other poisonings that I have seen, in the pool that was poisoned they have killed every fish, and of course among the fish they have killed all the per and small fish and brown trout and everything—the whole thing has been killed—and that, of course, deteriorates the fishing certainly for five years, because everything is killed, not only the fish that come to spawn, but the fish that are on their way to the sea and would come up in due course into the river again.

1961. Has it ever occurred to you that it would be a good thing that the clergy should call the people's attention to the actual mischief that they are doing to other people?—Well, I am glad to tell you that where I live the parish priest is dead against any poisoning at all, and the last time that the poisoning was done on the river was while he was on his holidays in England, and he was very angry about it and very much upset, and on his return I was speaking to him and he volunteered a statement to me. I don't know if this is to be repeated, but he said: "Well, I don't think it would have happened if I had been at home." Since then—that is two years ago—there was no poisoning. Of course the rivers get very low in dry weather, and the dangerous time for poisoning with me is the evening before a fair or the evening after a fair or a general holiday when people come from all parts into Smeem, and that is the time I always take care to have the river particularly well watched, for that is the dangerous time; and the last time it happened, it happened when the head-keeper was ill, and one of the bailiffs had been withdrawn to help him without my knowledge, so the river was more or less left to chance, and they put poison in on the evening of the fair, in the principal pool.

1962. Is there no local feeling against poisoning, or is there a feeling in favour of it?—I don't think there is so much feeling for poisoning in that part. I must say that before I was there I knew the other parts very well. I was about eleven years, I think, at the Palla, and I knew the Sheen when I was there, and it

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COLONEL C. W. WARDEN, J.P.—continued.

[KEMMERS.]

Mr. Justice Ross—continued.

was poisoned continuously every year; and then when we went down where I am now there was very little poisoning there, and since we have been there, there is not the same feeling amongst the people. It seemed to be an ordinary hatch up near Kemmers, a hatch that was very hard to get out of the people, but down farther west there does not seem to be that same feeling for poisoning.

1904. Do you think that the people know that when they are destroying the ova and fry by putting this substance into the river they are doing irreparable mischief?—I don't think they realise exactly what they are doing. They simply want to get the fish, and they don't care as long as they get the fish. They will risk it.

1905. In addition to the poisoning, do you suffer at all from the spearing of salmon?—There is a certain amount of black fishing in the river. Though my river is very small there is an enormous amount of spearing ground. I have a great deal of spawning ground, and it is impossible to watch it all in the short winter days, and of course there is a certain amount of black fishing, and netting too; but, personally, I think it really doesn't do a great deal of damage. There are plenty of spawning fish in the river.

1906. Sufficient to stock the river?—Yes, it is very well stocked.

Mr. Gwynn.

1907. Are those spawning beds on your property?—Yes, on my property.

1908. And you have not sold?—I have sold to the Fisheries Commissioners under Section 6, but I have reserved all my fishing rights.

1909. So that these streams are passing from your hands into the hands of tenant proprietors?—Yes, that is so.

Mr. Justice Ross.

1910. With the fishing rights reserved?—Yes, with the fishing rights reserved.

1911. And do you employ private bailiffs?—Yes.

1912. About how many?—I have three—two always, and I put a third man on when I think there is any reason. I used to have about eight men, and they were local men, and they were only paid by the night while they were out, and I found that was unsatisfactory, that they had no great interest, and it was very hard. They were all relations of the people around, and so then eventually I found it was better to put in two strangers and pay them reasonably well and expect that they would look after the river as well as they could. Of course it is impossible for me to watch the whole of the river, but I can watch the main part of the river as far as the poisoning season goes.

1913. Do you get assistance from the police also?—A certain amount. I think that the assistance that they give is very valuable, but I think that perhaps it might be increased. It would be a great assistance to the water bailiffs when they go out at night by themselves if they knew that when the river was low in the winter they could call on the police for protection.

1914. Has it ever been refused?—There are very few police, and, as a rule, the police who are there are very anxious to do what they can, but it is a big district, and they don't like to be absent from the village more than is absolutely necessary.

1915. Now, have you any suggestions to make, Colonel Warden?—Well, the only suggestion I have is with reference to preventing the poisoning, which is the prime thing.

1916. That is just the point?—The only suggestion that I have is that where it is proved that there is poisoning, the Board of Conservators should have power to claim compensation for the proprietors, because in some cases the proprietors are very small people and it is not worth their while, but the Board of Conservators should have the power to claim the damages, for after all they are the guardians of the fishery of the district, and if anything damaging the fishery is done I think they should have power to claim compensation, the compensation to be paid to their funds for the protection of the river. I think it would be an excellent thing.

Mr. Justice Ross—continued.

1917. The only people that can claim now are the owners of the bed and soil of the river. Even the owners of the fishery rights cannot claim. You suggest the Conservators?—Yes, if it was possible that they should be empowered to claim, and that the money if it was recovered should go to their funds. It would be very valuable to the whole of the river. That is the only suggestion that I have to make. But there is another matter that I might mention. The fish coming to the river have to run the gauntlet of the nets, and I have seen a number of fish with marks of the nets on their sides, and the general opinion is that these marks are caused by the enormous drift nets that are set out at sea at the mouth of the river. I was going round Shes Head about a fortnight ago, and I saw in Dingle a large number of herring boats and drift net boats. I was talking to one of the local men, and I said, "What do those nets catch?" and he said, "they catch all kinds of fish." "What are they?" I asked, and he said, "they catch herrings, they catch mackerel, and they catch salmon." Well, if they catch a large number of salmon or white trout there is no particular reason why they should not do it, but I think that if they do they ought to pay a licence. They ought to pay if they take the fish, and the money that is obtained for their licences ought to go to the Board of Conservators to help to preserve the head waters of the river where those fish are hatched out.

Mr. Justice Ross.

1918. As a matter of fact, you think they do catch salmon in those mackerel nets?—Well, they have miles of those drift nets, and of course they catch a certain amount of white trout in the small hang nets, what they call Grimbey nets, which they set all along the bay near the shore, and the fish are coming up there and they catch a certain amount of white trout in these Grimbey nets, and, I daresay, salmon. I know they catch white trout, but I don't see very well how they can be prevented, because they set them for pollock and bass and gurnard and whiting and so on, and really as far as I am concerned, there is a very large stock of white trout in my river that I have to keep up. I think that the white trout have increased a good deal since I have been there.

Mr. Gwynn.

1919. Surely, wouldn't the white trout be much more likely to be caught than salmon in a herring or mackerel drift net?—Yes, certainly; but I presume that they are so prolific. There is no legal mode of catching white trout that I know of except by the rod, and of course the number of white trout that are caught by the rod in the river is very small; but you can't catch them legally in a salmon net, because they go through the meshes of the net, so there is no legal way of killing them.

Dr. McHaffy.

1920. When I knew this Suem river the only salmon fishing was at the long pool close to the village. Above that there was only sea-trout fishing?—The salmon run up seven miles.

1921. There is no good salmon fishing high up the river?—Well, it is not so good. Of course the big pool is just about the point's head. That long pool is worth nearly the whole of the remainder of the river, but I have got salmon a good deal higher up, and it is rather more free-running higher up than in the pool down below. As a matter of fact, it is a flood river, and we generally go as high up as the river is affected by the flood, and as it falls we come down to the big pool at its base.

1922. There is a lake up high which used to contain sea-trout?—Yes. There is a fair share of sea-trout in it now, but it is rather a sulky lake. It wants almost as much wind and weather on it for any good fishing as the river itself.

1923. It is a great protection to fish up there?—It is a great protection to white trout.

1924. That is the value of it?—Yes.

1925. There are small lakes besides, but they have nothing to say to the Suem river, that hold good

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COLONEL C. W. WARREN, S.P.—continued.

[KILMER.

Dr. Mahaffy—continued.

trout?—Well, I don't know. I think they have a few brown trout in them. They are full of rodd, but I don't know whether they have many brown trout.

7988. I used to catch them there long ago?—Dr. Blund has been staying with me for the last fortnight, and he has been fishing in the small lakes all round, and he was down there the other day and he caught quite a lot of small rodd. The rodd are very like roach. They are almost the same.

7989. You think there is no spawning in those little lakes?—I don't think so. They are simply bog holes. There is no gravelly spawning ground in them. There are some fairly big trout in them, I know. A good many have been put in there. Dr. Blund often accuses himself by catching brown trout and bringing them down and putting them in these lakes.

7990. And we found in Donegal that has produced an extraordinary effect, so that it might be worth while?—Only a few years ago Dr. Blund was up at Longa Binn on the Mahony estate and caught five brown trout there. He kept them alive and brought them down and put them into one of Mr. Hood's lakes.

7991. There was good fishing on the Seven fifty years ago. What do you call a good day for sea-trout now?—About the best I had was a day that I got 30 white trout, and they weighed 56 pounds.

7992. That is very good?—And the best day that we had with salmon, with two rods, was that we got 15 in that one long pool. But of course I am talking the very best days of all. A dozen white trout I would call a very fair day.

Mr. Childermood

7993. You referred to tenant purchasers on your land where you reserved the fishing rights. I just wanted to ask you whether or not, in your opinion, the reservation of fishing rights in such a locality might cause the men in that locality to be rather opposed to the fishing interest?—Well, I don't think so. I don't find any change at all since I sold. I think it is exactly the same as it was before.

Mr. John Guinan, Solicitor.—My lord, may I say a word? I am a solicitor, and you will stop me if I have no right to say anything here.

Mr. Justice Ross.

What is your name?

Mr. Guinan, Guinan, and I was appearing for some of the tenant purchasers, and it is their interest to keep down poaching. I am told that in that part of

Mr. Justice Ross—continued.

the country they have not had poisoning or poaching for a number of years. Will you allow me to put my questions to the Colonel?

Mr. Justice Ross.

I will allow you to ask any questions that you put through me.

7994. Mr. Guinan [to Witness].—Now, Colonel, don't you think that those tenant purchasers round you try to protect the river as well as they can?—Oh, yes; I haven't anything to say against them.

7995. I take it that there is no animus against you down there, Colonel?—No.

7996. You are one of the biggest employers of labour down there?—Yes, I am. But you will excuse me, my lord. I don't know that this comes into any evidence, but I am perfectly willing to answer anything.

Mr. Justice Ross.

7997. It was merely as a matter of courtesy that Mr. Guinan was allowed to put the question. Any question should properly come through me; but if anybody has any suggestion to make, to submit us in this inquiry, I am always very liberal in allowing it to be done, but that permission must not be extended?—I am perfectly willing to answer anything as long as it touches the business of the Commission.

Mr. Guinan.—I will be protected by the Court.

Mr. Justice Ross.

You may ask a question subject to what I have said. Nobody has suggested anything against you at all.

7998. Mr. Guinan [to Witness].—Is there any liberty of free fishing in the Seven river?—I gave leave to people.

7999. Supposing that you did give leave to anybody to fish there in a legal manner, Colonel, there is no poisoning in that river?—But I say there has been poisoning.

8000. Well, I am surprised at that and know nothing about it?—I have given evidence. There is no use in making me questions.

8001. How many times?—Well, two years ago it was badly poisoned.

Supposing you gave leave to the people on the banks of the river?—

Mr. Justice Ross.

This examination is getting too wide.

Mr. Guinan.—Very well, my lord, I will not say another word.

*Mr. ROBERT McLEOD, examined.**Mr. Justice Ross.*

8002. I believe you are a member of the Board of Conservators?—Yes.

8003. And I believe you are a large land agent here?—Yes.

8004. I think you are manager of the MacGillivuddy estate, are you not?—Yes.

8005. And you are assisted in your work?—Yes.

8006. And I suppose you know all this district for many years?—Yes, I do. I have been living here all my life.

8007. And you know the rivers?—Well, not all the rivers. I don't know all the rivers very well on Lord Lansdowne's estate.

8008. But you know the Boughy river?—I know the Boughy river.

8009. And do you think it a good river?—An excellent river if it could be only preserved.

8010. If it got fair play?—If it got fair play.

8011. Has it been getting better or worse?—Oh, the poisoning has been on the increase.

8012. And you think the river itself has been getting worse?—Oh, I think it is.

8013. And you attribute that to the poisoning?—Poisoning and poaching.

8014. Not as much to the nets outside?—No; the poisoning and poaching.

Mr. Justice Ross—continued.

8015. Now, what do you mean by the poisoning—is it the use of nets in the fresh water?—I don't know that there is very much netting at all in the fresh water. There is only one net used in the river, and occasionally only.

8016. What is the poisoning that you had in your mind?—Spearing, stake-hauling and poisoning.

8017. Now, have you sold much land in your capacity of land agent?—I was managing a great deal of property abutting on the Boughy river.

8018. Now that is just what I want to get at. What estates did you sell abutting on the Boughy?—I sold Mrs. Lowe's estate and Major Lowe's estate which abut on the river, and I sold the Ogan estate which also abut on the river.

8019. Were the fishing rights in all cases reserved?—The fishing rights were in all cases reserved, but I have sold some lands for small estates, abutting on the river, where the fishing rights were not reserved.

8020. In many cases?—In two cases.

8021. Only four?—One case of four townlands.

8022. And had those four townlands a large river frontage?—They cover a frontage of about altogether three-quarters of a mile.

8023. Are they on an important part of the river and are there good stands there?—They are not on the

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Mr. ROBERT McCLELLAN—continued.

[REMARKS.]

Mr. Justice Ross—continued.

most important, but they are really important fishing places.

8022. Have the tenants since they bought taken any steps to combine together and let their fishing to anybody?—Well, these little proprietors are rather scattered. They are in two different portions of the river far apart, and it is a remarkable thing that in one case the owner of the fishing was fined very recently.

8023. For what?—For poaching, and in the other case the river was poisoned exactly on the ground of the owners of the fishing.

8024. Don't they make any use of the fishing themselves—they don't let it to anybody?—No; it is all free fishing on the Roughly except in two places.

8025. That is to say, they don't prevent people from going on their banks and angling?—Major Lewis allows anybody to fish that wishes. He thought it would be a very good idea, to stop poisoning, but it has no effect.

8026. Did they give anything for the fishing rights on those four townlands that they bought out?—No, I don't think they did.

8027. It was sold as a whole?—Sold as a whole.

8028. You don't think the fishing rights had much to do with it?—I don't think so.

8029. Did the owners of these townlands try to preserve the fishing rights?—No; they were absent.

8030. But all who live here and have any interest in the place preserved their rights generally?—Yes.

8031. Have you any suggestion to make?—I am chiefly connected with one river in the district.

8032. Which is that?—The Blackwater district—formerly the Mahony estate. It is now represented by Mr. Hood, who is here.

8033. The Blackwater?—Yes.

8034. That is on the north side?—Yes.

8035. Is it a good river?—A very good river.

8036. And a good salmon river?—Latterly it has fallen away a good deal.

8037. To what do you attribute the deterioration?—Certainly not either to poisoning or poaching. We have never had any poisoning there at all in the river.

8038. The river has fallen away?—The river has fallen away.

8039. From what year do you say it has fallen away?—I give in a return of the principal rivers in Ireland from the year 1890 up to 1911. (Returns handed on.) I have taken the average since 1890 down to 1911 and I find the fishing return has fallen off by 45 per cent.

8040. Are you speaking generally or of your own river?—I am speaking particularly about that river.

8041. The cause of that falling off cannot be poisoning?—Neither poisoning nor poaching.

8042. What do you attribute it to?—I attribute it very much to the mackerel nets which either catch the fish or carry the fish out of the estuary altogether.

8043. Out to sea?—Out to sea.

8044. Have you ever known a salmon to be caught in those mackerel nets?—I have heard of their being caught in them.

8045. And I suppose white trout?—White trout, unless large spring trout, would scarcely be caught. The mesh of the mackerel net is too large. The small white trout pass through it.

8046. And is that the only cause that occurs to your mind for the falling off of this Blackwater river?—That is the only cause. I can't attribute it to anything else.

8047. Who occupies the house that Mr. Mahony used to dwell in?—Mr. Hood. He married Miss Mahony.

8048. And the river is sufficiently watched, and that kind of thing?—Oh, we spend a good deal of money in watching the river, and we have never had a poisoning.

8049. Are these tenant proprietors on the banks of that river?—The whole estate is sold and the fishing reserved.

8050. Have you anything to complain of with regard to the part of the river where the spawning beds are, higher up?—Nothing.

8051. So that the falling off is due to the mackerel nets so far as you know?—Yes.

8052. Is there any other river of which you have any knowledge except the Roughly?—There is a small river called the Tullis River, but it is a small stream.

8053. Have you any suggestion to make?—Yes; I think that in all those poisoning cases the penalty ought to be imprisonment.

Mr. Justice Ross—continued.

8054. Not a fine?—Not a fine; and I think the local bailiffs are very little good. I think the police are the only fair body who would protect the fish property. It would take about four men to protect the Roughly river—four police. They would be better than fifty bailiffs.

Mr. Gwynne.

8055. Would you suggest having a special police force for the purpose?—Yes, and applying portion of the fines towards that expense.

Dr. Makgill.

8056. This is a question that I ought to have asked Colonel Warden. When you poison a river with arsenic and kill all the fish in a pool, how far down does that poisoning affect the river?—It depends very much on the current of water running at the time and the dose.

8057. Does it ever run a long way down?—I have traced it myself in one case of the Roughly more than a mile.

Colonel Warden.—It goes down a long way. Of course it depends on the amount of the water. If the water is very low it will go perhaps a mile almost, but at the bottom of the river it only makes the fish sick, and they skate along the top of the water and turn up, but if they get out of the stream again when the poisoning is past they recover.

Mr. Gwynne.—May I ask a question, my lord?

Mr. Justice Ross.

Through me.

8058. Mr. Gwynne [to Witness]. Now, you are more acquainted with the Blackwater river than any other river, Mr. McClellan?—Yes.

8059. There was never poisoning there?—No.

8060. And you know the Slaney river for five years and more?—Yes.

8061. Where that man was fined, you know?—Yes.

8062. He is the owner of that fishery, isn't he?—Yes.

Are you aware that he was looking after that for the last five years?

Mr. Justice Ross.

8063. I can't allow that at all. Witness—I might mention, my lord, that there are 39 families very much dependent on the salmon fishing in the open waters. There are three large sweepers nets always working, but chiefly living on the Blackwater river. They work around that outside the mouth of the river, and they have had very bad times the last two or three years, the fishing has fallen off so much.

Mr. Justice Ross.

8064. Now, have you anything else to suggest?—I have not.

8065. Mr. Gwynne [to Witness].—I have just one thing to say. Tell me, Mr. McClellan, you have great experience of salmon fishing, and do you attribute the whole of this to the steam trawlers?—Oh, no.

8066. With their nets three miles long?—They are not steam trawlers.

Well, whatever they are, do you attribute that to the trawlers?

Mr. Gwynne.

Steam trawlers never have a net half a mile long.

Mr. Justice Ross.

I think it would be better for you to give us evidence later on, yourself, Mr. Gwynne.

Mr. Gwynne.—I am not in a position to do that.

Mr. Gidderwood.

8067. Is it because these salmon fishers live in the Blackwater district that that particular river is not poisoned with arsenic, for it strikes me as peculiar that in a district where so much poisoning goes on there should be one river that is free from it?—But these three boats are very much living on that river, and that may have some influence on the matter, for these people there are very well conditioned all round the place.

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Mr. ROBERT McCORMACK—continued.

[REMARKS.]

Mr. Colderwood—continued.

8066. And is it to the difference of the people that you attribute this—not that the idea is the motive of the people of the district, that they might be doing harm?—Yes.

Dr. McShaffy.

8067. Are they large farmers?—No, not large farmers—10 and 20 acres.

8070. And they are respectable people also?—They are what I call very good-southered people.

Mr. Green.

8071. The nets that actually live on the Blackwater river are each paying £3 licence?—Yes.

8072. Mr. Gaskin—Isn't it a general rule that the salmon that are speared in a certain river will come to that river?—I think so.

8073. So, then, the Slaney salmon or Roughly salmon couldn't come to you?—I don't believe they would. I am rather an advocate for artificial propagation.

Mr. Justice Ross.

8074. For hatcheries?—For hatcheries.

8075. You heard Col. Warden state that his river was well enough stocked?—Yes.

MR. ALEXANDER DUNGAN, examined.

Mr. Justice Ross.

8080. You are master of Kilgarvan?—Yes.

8081. How long have you been in this district?—Twenty-eight years.

8082. Are you a fisherman yourself?—I am a past-trot angler for salmon and trout.

8083. And you are acquainted with the upper Roughly and the lower, the main river?—Yes, perfectly.

8084. Do you think the fishing has improved?—Very much deteriorated.

8085. To what do you attribute the deterioration?—To various kinds of poisoning. First of all to poisoning, then dynamite.

8086. Is there much dynamiting?—It is quite frequent. The Conservators don't know the half that goes on. Lysters are used.

8087. What is a lyster?—A sort of dart.

Mr. Gwynn.

8088. A spear?—More than a spear—a four-pronged spear and broad. They call it a lyser.

8089. A stroke-haft?—A stroke-haft is different.

Mr. Justice Ross.

8090. And all this goes on?—All this goes on with the greatest impunity.

8091. The dynamiting is accompanied with a loud noise, is it not?—No; but who is to detect it? I might know that there was a dynamite blast in the village above me, but I could do nothing. I have no authority. It is the police only, and they can do nothing except say "What is this?" They have no powers. They haven't sufficient authority.

8092. Have you any suggestion to make?—Yes, I have got a good many suggestions which I have put into as to the various kinds of poisoning. First of all, I might say, about this poisoning, that it is systematically and regularly practised, not, as Mr. McCORMACK says, up to September, but in the middle of October if the river is low. Whenever a salmon is seen in a pool, if that salmon can't be got at with the wide stroke-haft, the poison is deliberately put in. The poison is known. All the winter it grows on the banks, and in bloom, but it is the root that makes the material for poisoning.

8093. Is it the sponge root?—The sponge root, euphorbia. They are nothing for the land or flower, but it is the root that they want, which is in the form and shape of the dandelion root. That is buried and placed in the river and turned, and the juice percolates through the whole stream, and this is systematically and regularly done about the middle of October, and in the winter if the water is low enough. Then, therefore,

Mr. Justice Ross—continued.

8076. Do you think it would be an improvement?—Certainly for the Roughly. It would meet all the difficulty that those fish have to encounter now in the way of getting on the coast and that kind of thing. If you can increase the quantity, of course you will get a larger proportion up to the fresh water of the river.

8077. In any district where there is poisoning the poison affects the sea and the fry and everything, you know that?—Oh, yes.

Mr. Colderwood.

8078. I suppose this poisoning must necessarily be only during the months of the year when the spurge grows, it must be in the summer time?—It must be in the summer time, June and July and August, and perhaps the half of September.

Mr. Justice Ross.

Which is just ending now.

8079. Mr. Rockfoot.—It coincides, perhaps, with low water. Witness—Would you allow me to mention one matter, my lord. It is this, that Mr. Lowe spent £300 in making passes and testing places to take the salmon up into the upper Roughly, and succeeded; and I believe there isn't a fish there now. They have been all poisoned.

Mr. Justice Ross—continued.

There is, first of all, the poisoning with that euphorbia. That is practised regularly, and the suggestions that I make are these:—First of all, the Conservators should have the power to apply for and obtain compensation for salmon injury, as the fish is then property under the Acts. That is one point, in case of poisoning or dynamiting. The second is, that the carrying out of the fishery laws should be made one of the chief duties of the Constabulary. At present it depends a good deal on the local officers, and the rest they show. We have no complaint to make of our police. They are most zealous and indefatigable in their attempts to discover those poisoning cases or persons, and a larger staff of Constabulary should be placed wherever poisoning or dynamiting is practised. Then, the poisoned fish is regularly sold in Killybegs to the hotels, not for 6d. or 8d. a pound, but at the ordinary market price, perhaps a penny a pound less than the ordinary market price. I know this as a fact; and it is sold in Cork, at the ordinary market price, to the fish dealers.

8094. Is it not possible to tell a fish that has been poisoned?—It is quite possible, when one knows anything about it.

8095. But, notwithstanding that, you say it is sold at the ordinary price?—At the ordinary price. Perhaps there may be some abatement if there is a plentiful supply. There is a large trade in poisoned fish, and it is carried regularly to Cork, and the police have no authority to seize that fish or to search a cart, and, therefore, my suggestion is that it should be made an offence by law to have poisoned fish in possession. It is not now an offence at law, so far as I understand. I say if they have not the power the police should have the power to search for poisoned fish; and, another suggestion is, that a person caught poisoning a river, or assisting in doing so, or having spurge in his possession for the purpose of poisoning, should be imprisoned without the option of a fine.

Dr. McShaffy.

8096. How can you tell that the spurge is for the purpose of poisoning?—That must be left to the lawyers to debate in the court, but we generally know when the poison is ready and where it is dug; and they should, however, without the option of a fine, be imprisoned. I may say that there was only one case of the discovery of the act of poisoning on this river known in history, and I discovered and prosecuted the two men I recognised in the act of doing it, and they were fined the full penalty of £10, but it was a mere

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REV. ALEXANDER DUGAN—continued.

[KENTHRAE.]

Dr. Mahaffy—continued.

truff, because it was made up for one man. The second one contained his three months' alternative imprisonment. These were not boys, as has been suggested. They were grown men. One of them was a labourer in a large way, and the other his servant man. Well, that fine was made up, and they regularly send round the list to make up those fines, and it is merely testing with these cases to inflict a fine. These are the suggestions for the prevention of poisoning and dynamiting. Now, Chief Bacon Police gave a judgment which ought to have an effect on these cases. It is a deliberate and settled judgment.

8097. We know all about that?—Well, the time for presentation of claim for malicious injury should be extended.

8098. There are only three days?—Three days, and that time should be extended; and the owner of the fishing right, not merely the owner of the bed and soil of the river, ought to have the same right to claim, and something should be done by the Conservators to prevent this regular and systematic poisoning. Now, our tributaries are regularly poisoned, even brown-draw rivers. I have got in an afternoon as many as 15 dozen of trout, or even 25 dozen, on a tributary of the Roughly. Now, if I went out for an afternoon, I couldn't kill two dozen. There are regular poisonings by lime and springs, and the rivers are swept with baskets in low water, and they are swept with nets; the men use large kushams, and they go out every Sunday and fine day and drive the fish in.

8099. Do they sell the fish?—No; it is more wanton work.

Mr. Justice Ross.

8100. Are the fish of any size?—They run to six or eight ounces. Those are the suggestions that I make, and the Conservators, I may say, don't know all that goes on in the shape of poisoning. There are small places poisoned of which they never hear anything, and, therefore, when they say* that the Roughly has been poisoned 15 times this year, that is probably not half the number of times it was poisoned. It is only 15 times that they have had information of it. I know something about it. There is one river systematically poisoned as soon as the flood falls, the Awebeg, one of the tributaries. First of all, the landlords sold their lands to their tenants on the north bank for three miles. They were the Hartopp property, and the Hartopp people never had sporting rights, they never claimed sporting rights, and this whole north bank belongs to the tenants now. It has made no change whatever so far as that transfer has been made. They always owned the rights, they prohibited anybody angling, and did not take the fish themselves. But now things are changed. One man I know just uses his bank to this extent that whenever he wants a fish he goes down and takes it, and resents any hindrance or anyone else interfering with him. They are not sportsmen. They haven't the sporting instinct.

Mr. Greer.

8101. There are men on the Roughly who have set up traps for catching salmon?—Yes.

8102. Are these men opposed to the poisoning?—Yes, or rather they are because there is less fish in the river to fall into these traps. But we haven't many of these.

8103. How these been any poisoning in the district where these traps are?—Not this year.

8104. Not this year?—No; but in one river where there is a trap there has been no poisoning this year, and it is peckly well full of salmon, but out of that same pool from which this some two years ago my two sons and Mr. Taylor dried and took out 67 salmon.

Mr. Greer—continued.

That was out of one pool. I know of 80 salmon being taken out of one pool by poison. These things are not of much importance.

Dr. Mahaffy.

8105. Why didn't the poisoners take out all those fish?—They were unable. They took all that it was possible for them to take, and a couple of men afterwards, who live on the bank, and who gave their services gratuitously, took them out, and they were destroyed according to law.

Mr. Greer.

8106. Had the poisons taken away as many as they could?—Yes, as many as they could. They do it at night, and we only see the fish left in the morning at daylight.

8107. Mr. Gairnes.—You said a lot about dynamite. Do you know that of your own knowledge?—Yes. I have heard the report, and seen the fish, and felt the shock.

8108. Then, the fish were blown up by dynamite?—No, the shock killed them.

Mr. Gairnes.—Ah, ha, my lord, how he knows they were killed by dynamite.

Mr. Justice Ross.

He has answered that he heard the sound and saw the flash.

8109. Mr. Gairnes (to Witness).—Did you hear the sound that morning?—I can't tell you that morning, it is so common a thing.

8110. You said you saw sponge in the river?—Yes.

8111. Did you ever see poison put in?—Yes.

8112. Saw it put in?—I saw it put in. The only one where it was ever seen.

8113. You said you saw the poison put in?—Yes.

8114. Did you poison the parties for it?—Yes.

8115. And did you appear against them at court?—I appeared in two courts. I appeared in two courts where one party appeared.

8116. What happened then?—They were both fined £10, the extreme penalty. One served, instead of the fine, his three months' alternative.

8117. Where was that put in, now?—About 100 yards above my house.

8118. And how far did it go down?—It went down as far as half a mile.

8119. You would know a poisoned salmon?—Oh, yes, as well as I know you.

8120. How?—By the gills.

Mr. Justice Ross.

This is going beyond the limits. If you wish you may name us by any suggestions, but this is not a sworn inquiry at all, and I won't allow the witness to be cross-examined. I will take any suggestions from you, but this is going too far. You are cross-examining Mr. Dugan.

8121. Mr. Gairnes.—Perhaps so, my lord, but he said these were traps. (To Witness).—Do you know how many traps there are along the river?—I know two of my own knowledge, but I say they are not of much importance. May I suggest about this expenditure, this poison, this sponge. We have a Nuisance Weeds Act under which the County Council may oblige farmers to destroy their weeds. Might I suggest that that expenditure should be placed on the list.

Mr. Justice Ross.

8122. You think it would come under the Nuisance Weeds Act?—It might be placed under the Nuisance Weeds Act. It is quite useless, and might be placed on the list.

Mr. Greer.

8123. Is there much of it?—It is as plentiful as nettles.

Mr. WILLIAM HENRY MANSFIELD, examined.

Mr. Justice Ross.

8124. You are a Conservator?—Yes.

8125. What river have you a knowledge of?—All the rivers in the district, my lord. I may say I know most of them.

8126. Where do you live?—I live in Kenthrie, my lord.

Mr. Justice Ross—continued.

8127. And you know the Roughly?—I know the Roughly well, and the Shere, and the Blackwater, and nearly all the rivers of the district.

8128. Tell us, in the shortest way, your experience of what has been going on or any suggestion you wish to make?—Yes, the suggestion is, my lord, with

* See p. 278, q 7337.

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MR. WILLIAM HENRY MANSFIELD—continued.

[KILGARVAN.]

Mr. Justice Ross—continued.

regard to the efforts of the Constabulary towards putting down poisoning and poaching in this district, that we, the members of the Board of Conservators, have frequently expressed our approval of their efforts, and I wish to express it here before your Committee, because they are the only people, I may say, that do anything that is of any real good towards the protection of the Boughly and of the other rivers. I can't say that the local bailiffs are of any practical use whatsoever. Although we pay them, still, it is almost so much money thrown away, but the Constabulary, and especially the members of the Kilgarvan police, have done a great deal of good, and it is only

Mr. Justice Ross—continued.

they who have brought any prosecutions for several years past, and although the offences there are very, very numerous, the local bailiffs have brought no prosecutions, but the Kilgarvan police have brought several. They are most unrelenting in their efforts to put down poisoning, but they can't do it through insufficiency of numbers.

8129. That coincides with the evidence about the police that we have already heard. They do all they can?—Yes. As a member of the Board of Conservators I wish to express publicly our thanks to the Constabulary for their efforts.

MR. ALEXANDER MCCARTHY, examined.

Mr. Justice Ross.

8130. I believe you are a member of the Board of Conservators?—Yes.

8131. How long have you been a member?—For twenty years.

8132. Where do you live?—About a mile and a half from here, on the river Boughly.

8133. Do you live near the Boughly?—I live, I may say, on the bank of the Boughly.

8134. What size holdings have you along it?—Oh, perhaps, eight or ten. You mean the fishing part of it.

8135. Yes, the frontage on the river, the length of your land that abuts on the river?—Witness—Of my farm.

8136. How much of it abuts on the river?—Oh, it may be about 15 or 20 chains, perhaps.

8137. Have you fished there yourself?—Yes, I do fish.

8138. With the rod?—No.

8139. How?—Net. I have a hauling place there.

8140. And how is the net worked, have you men to assist you?—I work it round from the bank with four men.

8141. And do you catch many salmon?—Well, I do fairly, sometimes.

8142. How many would you catch in the year?—Really, I don't know the number. I didn't come prepared for that.

8143. Can you give us a notion of how many you would get in the year?—About something of the value of between £40 and £50; but that is the gross thing. The net return is not so much.

8144. Now, you are a landed proprietor?—I have bought from Mr. Orpen.

8145. When did you buy it?—About four years ago.

8146. Had you the fishing rights before?—Yes, from Mr. Orpen. I was renting the place since 1891.

8147. And you had the fishing rights since 1891?—Yes.

8148. And you always fished in the same way as you do now?—Yes.

8149. Has the fishing being getting any better or any worse?—I don't find much difference.

8150. Do you not complain of the poisonings that we have heard go on?—Oh, I do complain, because the poisoning is carried on to a great extent, and if it was not I know my fishing would be very much better. It is carried on wholesale.

8151. Is there dynamite?—I have heard of that, and I believe it is done.

8152. And have you heard of the spearing of the fish when they see them in the pool?—No, not so much as the other. I have heard of it. We had some cases lately. In the last year we had some convictions for spearing, or using the thing called a trestle.

8153. A thing with four prongs?—Yes.

8154. You know that a considerable amount of land purchase has taken effect up this river?—Yes.

8155. Do you think it has had a good or a bad effect on the river?—I think rather bad than good.

8156. Do you think the tenants have yet realised the value of the fishings?—They have not.

8157. Do you think there is much poisoning since they got the fishing rights?—I don't know that there is more, but there is a good deal going on. If anything there is more. I think there is more.

Mr. Justice Ross—continued.

8158. You think there is more?—I do.

8159. Have you any suggestion to make to us, because this river seems to be in a rather lamentable state, and it is a valuable public asset?—Witness—As to stopping that?

8160. Yes, as to what can be done?—Of course, we all agree that making it a malodorous injury would be an absurdity.

8161. We understand that, of course it is a malodorous injury so far as regards the owner of the bed and soil of the river?—Really, I think that only for the help of the police the river would not be half what it is, or quarter. They are practically doing all the bailiffs' work. I think the Clerk will tell you that nearly all the convictions have been obtained through the police, because, for a number of years, they have brought on all the cases, and if the police force could be increased there by two men, it would be far better than half a dozen bailiffs.

8162. How many men are in Kilgarvan?—Five.

Mr. Guyana.

8163. Is it a large town?—It is a large village.

Mr. Justice Ross.

8164. Is it a large district for them to look after?—It is a fair sized district.

8165. So your suggestion is, more police aid?—Well, judging by what they have done, I think that will help a good deal more if it can be done, because I don't believe at all in the bailiffs, to begin with. Their payment is very small, and they are friends of the people, and they won't proceed against them, even if they discover a poisoning.

8166. Is your fishing rated separately from your ordinary poach-daw rate?—I don't think there is any charge.

8167. Yes, but you had the fishing before?—I had.

8168. How was it rented from Mr. Orpen?—I was renting an adjacent farm and I was renting from Mr. Orpen for so much a year a fishing that didn't add any sum.

8169. Then you know nothing about the rating, and don't know whether it was rated or not?—I do not.

8170. Or how much the separate rating is?—No.

Mr. Colerwood.

8171. I should like to ask you with respect to the Board of Conservators. You have six elected members, have you not?—I think that is the number.

8172. And six ex-officio members?—Something like that.

8173. Now, tell me, how often does the Board meet?—Well, during the summer we meet once a month, during the winter once a quarter.

8174. And how many men commonly attend?—Well, they vary. Sometimes we have three and four, and five on odd times.

8175. Are those mostly ex-officio members or are they mostly elected members?—I think we have a fair number from each.

8176. Both are fairly well represented?—Yes.

8177. And is your Board a fairly harmonious one, do you agree well together?—Oh, yes, very harmonious.

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MR. ALLANSTON MCCARTHY—continued.

[Kilmarnock.

Mr. Green.

8128. What amount of netting goes on in the Roughly boulder ground?—Witness.—Do you mean above where I live?

8129. On the whole Roughly, what netting goes on?—The only one that nets the Roughly, as far as I know, is Mr. Orpen, who has a fishing at Ardally, but I believe there is nothing below me.

8130. In the estuary?—Yes.

8131. And once you pass the bridge there is only one netting above you?—That is as far as I know. There is some illegal netting going on.

Mr. Justice Ross.

8132. The salt water comes up as high as you?—Oh, it does, a little higher—high tides.

8133. Mr. Graham.—Does Mr. Mayberry not below you?—Yes.

8134. On the river Roughly?—No; I can hardly say it is on the Roughly.

8135. I am talking of this side of the falls?—He has a fishing there.

8136. And I right in saying that that is so?—Yes.

8137. Was this the best year he had for the last three years?—No.

MR. THOMAS TAYLOR, examined.

Mr. Justice Ross.

8138. Now, Mr. Taylor, where do you live?—I live about four miles from here on the Roughly.

8139. Are you a proprietor?—Yes.

8140. Have you fished all your life?—Yes, I have.

8141. And you know the river well?—Every inch of it.

8142. Is it getting better or worse?—Oh, much worse. 8143. To what do you attribute that?—I think the continual poisoning, and poisoning also; the poisoning especially.

8144. And everything seems to be unimportant compared with the poisoning?—That is the whole thing. It ruins the whole river almost. It will kill for two miles (it has been known to do it), if they put enough of it in, if they put in two sacks of it.

8145. Quantities of the poison grow on the side of the river?—Yes.

8146. Now, since the tenants have purchased these holdings, have you noticed things getting worse?—I have, yes.

8147. To what do you attribute that?—I think it is that they think they have a right to kill the fish anywhere they wish.

8148. When they see a fish do they take it?—No won't be long there if they can possibly take him out.

8149. If they can't take him with the prongs or anything of that sort, do they use the spurge then?—If they can't take it with the stroke-knife or spear they will use the spurge. That is certain.

8150. You have known cases of that?—Oh, yes. I don't think there is a fish from Kilgavran up to Mrs. Lorne's, that is about six miles. They are all dead. Thirteen per centage, or perhaps fourteen. And all the convictions that were got, the police got them.

8151. Is it that the beilids are of no use?—They don't seem to be of much use. One man has four or five miles of river, and he couldn't possibly do it. And they watch him, and when he passes they put the poison on, so he could not possibly do the work; but the policeman are doing their best. I know there are two pools now where I am sure there are up to 500 fish, quite close to Kilgavran, and they are protected I know by the police. I have been up there myself, and I have met the policeman regularly there, always there, but not a local beilid; I never meet one there; and there would be no fish there, only for the police. I think if we had extra police there they would soon stop the poisoning of the Roughly, and it is done to a very great extent.

8152. Have you any additional suggestion to make of your own?—No, I have not. I think the only chance we have is to have extra men if it could possibly be done; and we have not enough hands there, and the people don't like to fight with their neighbours, and the pay is so very small; it is only £8, or something like that, and a man wouldn't do much for that.

Mr. Justice Ross—continued.

8153. And it is unpleasant work?—Very; and especially this year it was awful, for they had to be out at night for two weeks, and the men can't stick that at all. If the water is very high they can't poison the river.

8154. So that in a fine year like this, when there is not much water in the river, it is particularly laborious work?—Yes; the poisoning would be stopped if the water was high. Of course they couldn't poison it, and the fish would be perfectly safe. Once they get up the river they are all killed. They never come down again. The Roughly is the best river, I think, in Kerry for the size of it. It is a lovely river. If there is a fish in a pool he will probably rise. It is a grand river if it got any chance at all.

Dr. Macleay.

8155. There was a suggestion made here that spurge might be put under the Noxious Weeds Act?—That would be rather a good idea.

8156. If each farmer rooted out the spurge that would have more effect?—There is so much of it there. It is all over the mountain and everywhere.

8157. But you must begin?—I think it would be rather a good idea.

Mr. Justice Ross.

8158. I should not like to say that it comes within the purview of the Act, because the Act is for the purpose of preventing injury to the lands of others, but the object here is to prevent people from using this weed for an illegal purpose, and I am afraid that does not come within the purview of the Act, but I am not quite sure.

Mr. Calderwood.

8159. Do you know anything about the traps placed on the river?—Yes, most of them are blown away by dynamite.

8160. How many?—There were three.

8161. What sort of things were they?—The river was blocked right across with big boulders, and when the fish jumped it they were driven back by the force of the water and they were taken out.

8162. These stones were put across below some little obstruction or some little fall?—Yes, at a fall; and then sometimes the fish got up, of course, and fell back again. They are tired when they fall back, and sometimes they are taken by the gills.

8163. And how do the fish get into those places?—In fairly high water.

8164. And it took thinking to get rid of them?—Yes, natural rock and boulders put by the hand of man. Last year we got rid of them. Before that there was no fish ever got up beyond that. Well, very few, in very high water.

MR. GEORGE JONES, examined.

Mr. Justice Ross.

8215. You manage the Blackwater fishery?—Yes.

8216. How long have you been manager?—Twenty-seven years.

8217. Has the fishing been getting better or worse?—Worse.

Mr. Justice Ross—continued.

8218. A number of families make their livelihood from the fish at the mouth of it?—Yes, something about 40 families.

8219. There is not much made of it?—No, it is getting worse every year.

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Mr. GEORGE JONES—continued.

[KILMARNOCK.]

Mr. Justice Ross—continued.

8220. Poisoning, such as we have heard so much of on the Roughly, does not exist there?—Not on the Blackwater.

8221. To what do you attribute the falling off?—Well, I think the long nets used for mackerel fishing along the coast outside, and the seals and the wild seal-eat at the mouth of the river.

8222. Do you think the gulls do any harm to the fry?—The gulls and cormorants and herring and gannet and puffin; I have seen them do it.

8223. You have seen them consume the fry?—Yes.

8224. There is nothing done to keep them down?—Nothing except what I do myself.

8225. You shoot the cormorants?—Yes, and the puffin and gannet.

Dr. Mahaffy.

8226. Were they always there?—They always were, but in greater numbers now.

8227. And yet there used to be good fishing?—Of late years they make a greater hand of it than they used. They go up as far as the iron bridge at the mouth of the river; while seals are very numerous now, and we never saw a seal twenty years ago.

8228. The seals have increased?—Yes, they have increased.

8229. When I was young there were but few seals about there?—We used never to see a seal at one time in the Blackwater.

Mr. J. E. WATSON, examined.

Mr. Justice Ross.

8231. You see the Clerk to the Bantry Board of Commissioners?—Yes.

8232. You are acquainted with the Roughly river?—No; with the Bantry district. There are six rivers in all in it.

8233. That district goes down to Kilgarven?—Yes, sir, from Bantry round the coast.

8234. Are there any good salmon rivers there?—They would be all good rivers.

8235. Except for what?—If they were well protected.

8236. Are they well protected?—The Commissioners can't protect them, for they haven't the funds.

8237. Is it only the insufficiency of the funds that prevents the Board from making them effective rivers?—The number of water bailiffs on them would scarcely do except there were a better class of men got.

8238. How many men have you under you?—Five, sir, at the present time.

8239. And you can't rely on them?—On some of them you can. There are two.

8240. And there are some that you cannot rely on?—There are two or three you could not rely on.

8241. How many would you require to have on those rivers?—There would want to be three or four on each river. Some would have seven miles land and some four miles and five miles.

8242. How many would you require altogether?—There would want to be about a dozen altogether.

8243. Of good men?—Of good men.

8244. What is the amount of the funds you have in your district?—There was £46 for the last season, and this season it is £43.

8245. How is that sum of £43 got together?—There was a grant from the Department.

8246. How much did they give?—£9, and there was £3 collected locally.

8247. £3 collected locally?—Yes, sir.

8248. And the rest?—And the rest was license.

8249. Is there fish in the bay there?—There is.

8250. And drift nets fish there?—There are two drift nets, and there are five drift nets; and there are two drift nets on the upper fresh water in two rivers.

8251. Tell us about that?—One is on the Glengriff river, Mr. Lee White's property, and another on the Adriggode. That is on Mr. Lee White's property also, and is let to a Mr. Arkwright, and it is he that fishes it now.

8252. Do you know how many fish he gets in the year?—I don't know how much Mr. Arkwright gets.

8253. Is it all in the fresh water?—Yes, sir, in the fresh water.

Mr. Justice Ross.

8250. Do you shoot the seals?—I do, sir.

8251. But it is not easy to procure their bodies, because they always sink?—I shoot at several, but could get only one.

8252. You may have hit them, but they sink?—I am certain I hit them and killed some of them, too.

8253. And they do a lot of damage to the salmon?—Yes. And I find a lot of the smallest fish are marked with the marks of the long nets.

8254. You see the marks of the long nets on them?—Yes.

8255. Are those the marks of mackerel nets?—I think so, because they would be just about the size. The mackerel nets would be just about 2½ inches, and that would be just about the size that would catch peal or grise. We don't get any spring trout now.

8256. Mr. Gifford.—There was good fishing down there some years ago?—Yes.

8257. Any amount of salmon killed?—Yes.

8258. And no seals?—No.

8259. Don't you know seals always come for salmon?—Yes.

8260. They come now three times as much as before?—Yes.

Mr. Justice Ross—continued.

8261. How far up is it?—It would be about three miles.

8262. On the left side as you sail up the bay?—Yes, that would be on the Adriggode side near Castletown.

Dr. Mahaffy.

8263. There is no rod-fishing?—Oh, there is rod-fishing, too. Mr. Arkwright often fished it with the rod, but I don't think there was anyone else.

Mr. Justice Ross.

8264. Are those two rivers that you have mentioned as being on the Lee White property the biggest rivers or the best?—They are not the best rivers.

8265. What are the best?—The Scarre and the Coombola and Ovens would be the best.

8266. Where are they?—Between Bantry and Glengriff.

8267. Why are they not successful or effective rivers?—There is a lot of poisoning done on them.

8268. Do they suffer from sponge poisoning?—Yes.

8269. And have you had any convictions for it?—No, sir, no convictions during my time.

8270. You don't have much of these poisonings except with sponge?—Sponge is the principal thing.

8271. And do you get much assistance from the police?—Only for the police there would be no protection hardly.

8272. Have you any remedy to suggest, or have you been thinking over it?—No, sir; the only thing would be that the Government might take over entirely the fishing and have it protected by the police.

8273. Has there been much land purchase in your district?—The Kinnear estate is purchased. Mr. Lee White's estate is purchased.

8274. Is it nearly all purchased there?—Not all, sir.

8275. Were the fishing rights reserved?—I think they were reserved on the Kinnear estate, and I can't say about the part that is sold to the Congested Districts Board, on Mr. Lee White's estate. I don't know what arrangement was made about that.

8276. Part was sold to the Congested Districts Board?—Yes, that is towards Glengriff, and going on up towards Castletown.

8277. Have you noticed that matters are getting better or worse there?—I think it is worse since the tenantry bought.

8278. To what do you attribute that?—They don't like to let the bailiffs travel across their lands to protect the river.

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Mr. J. E. WARD—continued.

[KEMMARE.]

Mr. Justice Ross—continued.

8282. Do they refuse to allow the baillifs to travel over the land?—Sometimes they do till there is a prosecution threatened, and then they let them travel on.

8283. But ought not the rod-fishing there to be very profitable?—It ought to be very profitable.

8284. Because there are a great number of hotels where anglers might stay. Are there not a number of small hotels springing up there?—Yes, sir.

8285. And a great number of persons coming there?—Yes.

8286. And would not the rod-fishing, if it was attended to, be a valuable thing?—Oh, it would be a very valuable thing.

8287. Will those tenants never work together or combine that?—No, they would not.

8288. Every man wants to get a fish?—Every man wants to get his own.

8289. And when they can't gaff it or poise it out they will use this spurge?—Yes.

8290. And I believe they can get this spurge at all times of the year?—I don't believe the spurge can be used except in the warm weather.

8291. Is it coming to about the end of it now?—It is, sir.

8292. But the root remains?—I don't believe it is with the root at all that they poison, only with the upper portion.

8293. Isn't all the milk in the root?—I never saw the root used, only the upper portion.

8294. I am afraid there is a difference of opinion on that. I think you may be right?—And even the water baillifs will tell you the same.

8295. I believe there is a difference in the County of Kerry on that point. They say that in the County of Cork there was?—That is the experience of the water

Mr. Justice Ross—continued.

baillifs on the river for the last twenty years, and the baillifs say it is the upper portion of the plant that is used, and they work it between their hands and beat it with stones.

Dr. McKeff.

8296. And if that was not nearly as noxious weed by fumon, that would do some good?—I suppose it would if it was fumon, but then they would use other things, lime and such like, which would be effective.

8297. Have the owners of the hotels at Glengarriff made no attempt to hire fishing from the tenants?—No; I think they had fishing from Mr. Lee White at Glengarriff for some time.

Mr. Gwynn.

8298. How many tenants would there be on one of these rivers?—It would be nearly impossible for me to tell that. There would be a good many, I suppose over 100.

8299. So I suppose if they combined to share the letting value to be realised from the fishing on the river there would not be much to go round them?—There would not be much.

Mr. Green.

8300. Haven't the lands on the Onvane and Nanne rivers been bought out by the tenants?—There are some of the lands that have not been bought.

8301. And these are the best rivers in your district?—They are the best.

8302. And how any attempt at all been made to turn them into value?—No, nothing but what Captain White did to protect the Councils.

Mr. MICHAEL SMYTH, examined.

Mr. Justice Ross.

8303. Where do you live?—I live at a place called Downstown near the Blackwater.

8304. Are you a tenant purchaser?—I am, your honour, and the landlord reserved the right of fishing.

8305. Are there many other tenants there that have purchased their lands?—I think all the people there have the land purchased.

8306. Who is your landlord?—Mr. Hood is my landlord now. It is Mr. Mahony's estate.

8307. Is it the Mahony estate?—It is.

8308. And do you fish yourself?—I do. There are three companies that we have. Well, I am fishing thirty-four years. We fish it with two boats out in the river of Kenmare, and there are 13 in the company, and we join, and any profit received from the net is divided equally between the men.

8309. Is the fishing or the farm your principal means of livelihood?—It was the biggest to me. For the last two years it has fallen away entirely. We couldn't get a living at all there but for the salmon fishing.

8310. And what do you think is the reason for its falling away?—Well, so far as I can understand, I think it is those long nets outside that are taking it all.

8311. The netted nets take the salmon?—Yes. I will just give you an explanation of it. In 1909 my boat got 419 salmon in one week, and I think in that 419 salmon we didn't get what I would say 10 spring fish, and we got only 131 salmon this year, and they were in fact all spring fish. We got no small fish at all.

8312. How many men would be in the boats to take the 419 fish?—Thirteen men.

8313. In the two boats?—Thirteen men in two boats, that is the company.

8314. So that the nets made a substantial thing in those days?—That is so; yes, sir.

8315. And in those days it is nearly gone?—My boat did the best this year, and we got only 131

Mr. Justice Ross—continued.

8316. How many boats are there altogether?—Three boats.

Mr. Green.

8317. With three crews?—Three crews.

Dr. McKeff.

8318. Where do you send them?—We send them to different markets. We send them to Manchester and London and Dublin and Cork.

8319. Straight off?—Straight off.

8320. Then you bring them to Kenmare?—We do bring them to Kenmare. We send them from Kenmare Station.

8321. You pack them and send them from Kenmare Station?—Yes.

Mr. Gwynn.

8322. Do I understand you to say that you were getting as many spring fish as you used to get, but not so many of the peals?—Yes.

8323. Then you think whatever cause has stopped the supply of salmon has stopped the summer fish and not stopped the spring fish?—Yes.

8324. Why do you think those long nets are the cause of it?—What I call the spring fish are large fish. They average about 10 pounds each. Well, the peal don't average 6 pound a-piece. It is a smaller size, so that when it is going to be I say before it comes in it is caught in those small meshes and the larger fish could not be caught.

Mr. Justice Ross.

8325. Have you seen the marks of nets on the fish that you have actually taken?—Well, I didn't see any marks of nets on the fish that I caught, but I heard other fishermen say that they did.

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Mr. JOHN BORMA, examined.

[Kennebec.

Mr. Justice Ross.

8325. What are you?—I am a practical farmer, and I fish salmon fishing.

8327. Where?—Outside the mouth half a mile, all over Kennebec Bay, from Lord Lansdowne's to Cough House, and I can do so.

8328. Is the fishing getting better or worse?—Oh, it is going back.

8329. Can you give us an instance of that?—Well, the peal, the hy going on up, are not coming in at all.

8330. You didn't notice any peal this year here?—No.

8331. They are getting very scarce?—Getting very scarce.

8332. Are there any peal?—There are very few.

8333. Was that so in old times?—No, it was not.

8334. When did they begin to get scarce?—Well, there is a failure in the salmon fishing since the Lord Act came into force. I have seen that. I have been fishing for the last twenty-five years; and still there would be an old good season.

8335. Do you mean since the Act of 1868 came in force?—Yes, sir.

8336. And since that time?—It has been reducing every year since.

8337. You attribute, I suppose, the falling off in the fishing to poisoning?—To poisoning and poaching.

8338. The best witness suggested it might be due to the mackerel nets out at sea?—I am of the same opinion.

8339. You think that does an amount of mischief, too?—I do, sir.

8340. But you seem to think that the poisoning that goes on in the river does more mischief?—Any of them would do harm.

8341. But from whatever cause, in the last few years

Mr. Justice Ross—continued.

things have been getting very bad?—Yes, sir. A boat was put out by the Government not to allow any net on the surface from $\frac{1}{2}$ to 5-inch mesh, and they put out boats looking after those nets that are set on the surface, and I am told that those drift nets cover three miles of water, and they are set in the course of the salmon.

Mr. Green.

8342. Do you know that those drift nets at sea did fish for salmon for the last forty years off this coast?—But they must be a certain distance out from the land.

8343. What difference is there in the last forty years?—There is a failure, anyway.

8344. Do you know that there has been any increase in the nets in the last ten or twenty years—or there any increase in them?—No, sir.

Dr. Mackay.

8345. You say you fish in various places. You don't keep in one altogether?—Well, I usually fish outside the takerway if there is no fish to be got in any other river all over Kennebec Bay.

8346. Have you two boats or one?—Two boats, thirteen men.

8347. And when you don't get fish outside the Blackwater you try some other river?—Yes, sir.

8348. Mr. Guhan.—You know what you call a scupper?—Yes.

8349. That is two boats, and you fish in deep water?—Half a mile outside the mouth of the river.

8350. So far as you are concerned, you have no complaint to make about your own river at all?—Well, I have not.

Mr. JOHN SNEY, examined.

Mr. Justice Ross.

8351. Are you a fisherman?—I am.

8352. How long have you been fishing?—Forty years. Outside the Blackwater, half a mile, your honour.

Dr. Mackay.

8353. In the same boat as the last witness?—Yes.

Mr. Justice Ross.

8354. Have things been getting better or worse?—Getting worse.

8355. To what do you attribute the falling off?—I remember for the first time I went fishing that we used to make £20 and £25 even in the season, per man, and we could hardly get expenses paid for the last four years.

8356. What was the cause of that?—We were blaming first the poisoning and poaching, and we blame the outside nets for catching the wrong fish.

8357. But don't you know the drift nets have been going on for forty years?—I beg your pardon, they hadn't so many at that time as they have now, and perhaps they might not have the same means at that time that they have now for catching the salmon.

8358. I am told by Mr. Green here, who knows all about it, that there has been no change in the size of the mesh?—I got a mackerel such here from the Isle of Man $\frac{1}{2}$ inches.

8359. Do you fish for mackerel yourself?—I do. I have a mackerel net.

8360. When you see them coming into the bay you go out and take them, but you don't go out to sea?—I don't go out to the sea.

8361. When you see a school of mackerel coming you go out to the mackerel?—Yes, sir.

Dr. Mackay.

8362. Do you get anything else but mackerel?—No, sir, last season.

8363. You never see trout or salmon?—No, never.

8364. You never see one taken in the mackerel net?—Oh, no.

Mr. Guhan.

8365. You never fish for mackerel with a $\frac{1}{2}$ -inch mesh?—No, sir, I don't. My mackerel net has only a 2-inch mesh.

8366. As long as you remember those drift nets were fishing outside there with a big mesh?—I don't know about the big nets.

8367. Still the drift nets were always there?—But I don't know that there were as many there at that time as there are now, and holding half as many.

8368. How long are the steam drifters on this coast?—There was one a few years ago, and she was banished out of it.

Mr. Justice Ross.

8369. Who did she belong to—was she a foreigner?—She was foreign.

8370. And was she hunted out?—She was hunted out.

Mr. Green.

8371. There was an American schooner that came here and was hunted out. Is that the one you are speaking of?—That was what she seemed to be.

8372. She was hunted out for catching mackerel—was she French?—I could not say, sir.

8373. Who hunted her out?—I could not tell you.

Mr. THOMAS COLLINGS, examined.

Mr. Justice Ross.

8374. Do you live on the Upper Roughly River?—Yes, my lord. I am located about a mile east of the village of Killybeg.

8375. And what is your duty?—My duties are gamekeeper, and protecting, or trying to protect, the

Mr. Justice Ross—continued.

Roughly, and I fish. I am fisherman to Major Lowe; I have been for eight years.

8376. Now, will you tell us have you anything to add to what has been given in evidence already about the perpetual poisoning that goes on there?—Well, I have,

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MR. THOMAS COCHRAN—continued.

[KERRIDGE.]

Mr. Justice Ross—continued.

my land. I would like to make some few observations in reference to the continual and persistent destruction of the river Scourgy up there.

8377. Tell us that?—I would suggest on the ground that, as the lead of the river seems to lead in having jurisdiction, when poison has been put in a heavy dose ought to be put on the bottom where lead abuts on the river where the poison is found, if it could be done.

8378. That would be very difficult. It is very easy to go upon another man's land to put the poison in, and it would be very hard to punish him. To punish the district is another matter. Is that what you suggest?—That is one of my suggestions, my lord. And I think on these rivers, the Aweeg and the Slaney, gatings should be put to prevent the salmon from going up there, because they have only a short journey to go, and they are hemmed in, and the result is that they aggregate there, and a bag of poison or a bag of lime is quite capable of exterminating whole quantities of adult breeding fish. If a gating is not put up, I hold that a salmon ladder should be put on those two rivers to enable the salmon to get away, to prevent that aggregating, and to distribute themselves on the upper stretches of the rivers. If that be done, then it would take, I hold, ten bags of poison instead of one to exterminate the salmon, because on the Slaney the fish can only get up by moving up the back gutters at a very heavy flood.

8379. That is your suggestion in the case of those two rivers?—Yes.

8380. Who is the owner of those two rivers, and could he not do that?—Major Low owns the sporting rights of the Slaney right to the source nearly a mile up. I think Lady Harcourt owns the opposite bank of the river.

8381. Then have you anything else to draw our attention to?—Then, I think, there ought to be more benefits put on the Scourgy. The police do a great deal in reference to the minding of the river, but we are all extremely anxious to put down this perpetual poisoning of the river, and they themselves are not able to catch the poachers who put in the poison.

8382. Anything else?—You have also heard now that the late Mr. Low did a great deal of blasting and spent a considerable sum of money in the blasting of the rocks from Monky's Bridge up towards the lodge, and on several days, my lord, there has been nothing but poisoning going on there. And Major Low comes over here. He is owner of a place in Hereford, Fregmore Hall, and he comes over here to fish, but he might as well be anywhere else. There is no fish for him. They are all killed.

8383. There is no inducement for him to come over?—Oh, none whatever. He is an angler, extremely keen, and he has always been anxious to fish, and so have I, till recently, and last year he has introduced me to prohibit people, when he has the exclusive right of salmon fishing, from fishing, on account of their perpetual desire to poison the river; and at the back of my house it used to be a veritable slaughter-house for shying salmon by all kinds of ways, by stroke-drawing, lashing, putting in lime, and also trapping the fish in what they call pots or traps; and since the Conservators have blasted those rocks I have seen with my own eyes considerable quantities of breeding fish going up. Now, I regret to say, they are all slain higher up.

8384. Used white trout to go up that river at all?—I believe there used to be tremendous quantities of white trout coming up in the vicinity of Killycavan, but that has been falling away very, very much of late years.

8385. It is the old story. I have been hearing all along of the atrocious poisoning that has been going on on this river. The disease is plain enough, but the remedy is very difficult?—Eventually, my lord, I, in the year 1907, was drafted down. I stayed in a house four or five miles higher up, and Major Low thought that I would do better, being an expert fisherman, if he changed me down lower. That year, 1907, I killed 49 salmon to my own rod. In 1908, I only killed 38; in 1909, I killed only 16; in 1910, I killed 19 fish; and in 1911 I have gone down and have only killed 8.

Dr. Mahaffy.

8386. There was very low water the whole summer?—This summer has been very, very much against sea salmon fishing.

Mr. Justice Ross.

8387. It is summer fishing, of course?—The rod season opened on the 1st of April for the last three years, and I have always succeeded in at least killing one the first week in April, and I am positive that the fish now take the rod much earlier than they used to do, because local fishermen tell me that in former years the 20th of May was about the day on which to go out and angle for salmon, but I can kill always in the first or second week of April in the event of a flood.

Dr. Mahaffy.

8388. In other rivers they said it was getting later; but here it is getting earlier?—Yes.

Mr. Caisedown.

8389. Then take the other side of the story. Your stock of fish is going back?—It can't be otherwise. This month is our best month for autumn fishing, because the upper reaches ought to be stocked. It is just when we hope to get them, but unfortunately they are almost all exterminated.

8390. You have most of your fishing in the autumn?—The bulk of my fish I kill usually in the autumn, but I killed a fair share in the month of May. All through the year I seem to kill, and I can kill a salmon to the rod with the fly when I have no water at all. But it is going down every year—42, 39, 36, 33, down to 3 this year, and we are at September.

8391. Mr. Guinan.—You said there was any amount of poisoning and poaching carried on above your place. Had you any case for the last twelve months?—I have had no case. No, I am just after saying neither baited nor police can bring a case of poisoning because this thing is put in at all hours of the night, and we are not watched. I am on duty every morning before the break of day on the river, and we can save the fish sometimes from being taken by the poisons, but it is very difficult for any one to catch the man putting in a bag of this poison. I have brought, my lord, here a quantity of spurge taken out of an enormous bagful on the fish. I should like that you should see it, because there has been a good deal of difference of opinion. One man says it is the top of the spurge that is used. I hold that it is the bottom, the root.

Mr. Justice Ross.

8392. This is the view of Kerry. The view of Cork is different. Witness.—Here also is some spurge gathered by me out of the poison. [Specimens handed in.]

8393. These are the small fish killed by the spurge. Did you take them?—From the river, my lord.

Mr. Guinan.—My lord, I am only interested in two places, and I would like to know whether this inquiry includes those two places, that is, the river Sheen and the river down near Lord Lansdowne's place, Derron.

Mr. Justice Ross.—What do you want to tell us about them?

Mr. Guinan.—There is no poisoning at Derron at all.

Mr. Justice Ross.—So we understood. There was no charge to that effect made.

Mr. Guinan.—Then I am only concerned with the Reenan. The Sheen river is Lord Kerry's river.

Mr. Justice Ross.—Yes.

Mr. Guinan.—Then what I submit in that case is this. It may have been proved before I was in, but I submit there is no proof at all of any poisoning on that river, on the Sheen. There has been no prosecution brought and never a conviction there for two or three years.

Mr. Green.—Two cases were mentioned on the Sheen.

Mr. Guinan.—But there was no conviction.

Mr. Justice Ross.—A conviction is one thing and the actual fact of poisoning is another, and it is the actual fact of poisoning that we are looking into. That is the important thing.

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Mr. THOMAS COLLINGS—continued.

[KESHARE.

Mr. Guhan.—If they had any evidence of a poisoning then why didn't they bring it before the Petty Sessions?

Mr. Justice Ross.—Because you can't catch the man.

Mr. Guhan.—Do you dispute that there is poisoning constantly in the Roughly?

Mr. Guhan.—Well, now, that is rather an awkward question to ask me. I am defending all these people, and I will ask you with great respect not to ask me that question.

Dr. Mahaffy.—That is an answer.

Mr. Justice Ross.—I don't think it would be fair of us to ask you to give evidence, and evidence is the only thing we can hear. Mr. Guhan is a solicitor, and therefore it is not fair to put a question to him.

Mr. Guhan.—I may say that personally I am against poisoning in every way.

Mr. Justice Ross.—And every right-minded man is.

Dr. Mahaffy.—And the country at large, and public opinion ought to put it down.

Mr. Guhan.—And that is my opinion.

Dr. Mahaffy.—Inferential men like you ought to exercise their influence.

Mr. Guhan.—If a man comes to me to defend him on a charge of murder, I will do it.

8894. Mr. Mansfield.—I was out there the other day and saw the fish dead in this case, and I formed an estimate that there were at least 4,000 fry killed by the one poisoning. I took this record myself, and saw taken out in my presence 25 or 26 dozen of them in the course of a few minutes, and judging from that I should say there were at least 4,000 fry killed in that one poisoning. I saw that myself.

Mr. Guhan.—My point is that there is no poisoning down at Derron or on the Sheen river.

The Committee adjourned.

EIGHTEENTH PUBLIC SITTING.

FRIDAY, 15th SEPTEMBER, 1911.

AT 11 A.M.

At the Hall, Waterville.

PRESENT:

THE RIGHT HON. Mr. JUSTICE ROSS (in the chair).

REV. JOHN PENTLAND MAHAFFY, D.D., LL.D., C.V.O.
Mr. STEPHAN COLLINS, M.P.

Mr. W. L. CALDERWOOD, F.R.S.E.
Mr. W. S. GREEN, C.E.

Mr. R. H. LEE, Secretary.

Mr. MAURICE FITZGERALD, A.P., CRIMINAL.

Mr. Justice Ross.

8895. You reside in this locality, do you?—Yes.
8896. And you are County Councillor for the district?—Yes.

8897. You are interested in fishing?—Yes.
8898. Are you owner of a several fishery?—Yes, on the River Inny.

8899. And you are acquainted with the district all your life?—Yes, all my life.

8900. Is that the principal river with which you are concerned?—Yes, the River Inny.

8901. Is there not another river?—Yes, the Cumeenagh. That flows into Waterville lake.

Dr. Mahaffy.

8902. The head water?—Yes.

8903. And then there is a river out of it?—Oh, that is quite a small river. That belongs to Mrs. Butler.

8904. But that is a valuable salmon fishery?—Yes.

Mr. Justice Ross.

8905. Tell us about the river Inny. Is it a good salmon river?—An excellent salmon river, but it is a late river.

8906. The fish don't come till late?—The salmon don't run up till July.

8907. What is the close period there?—The close period for netting begins on the 30th of September and ends on the 1st of May. For angling the season is from the 1st of February till the 15th of October.

8908. Now, is there much angling done?—There is a considerable amount of angling done during the months of July and August, and sometimes excellent angling in September and October.

8909. The anglers are usually strangers?—Oh, yes, principally strangers, and of course there are the local fishermen of Waterville.

Dr. Mahaffy.

8910. Is it near enough to Waterville for strangers?—Yes, it is only about two and a half or three miles.

Mr. Justice Ross.

8911. And what would they get on a very good day?—Willows. The anglers?

8912. Yes?—Well, of course, that depends very much on the circumstances.

Dr. Mahaffy.

8913. What is the best day you know?—I think the best day I know for years is five salmon to a rod.

Mr. Justice Ross.

8914. What size is the salmon?—The salmon generally run on an average, about 8 pounds. They are, in fact, mostly pish, no spring fish at all, to speak of.

8915. And have you had pish this year?—No, sir, this is the worst year we ever had, because the fish have a difficulty in getting up. It is a land-locked river, and the fish can't get up except in a flood.

Dr. Mahaffy.

8916. What about sea-trout?—It has been a bad year for sea-trout.

8917. But it is a good river for sea-trout?—Oh, an excellent river for sea-trout.

Mr. Justice Ross.

8918. Is there much poaching there?—There is a tremendous amount of poaching.

8919. What do the poachers use?—They use one weapon, a spear with a spur. I happened to get one through a friendly dispute, but I don't know if you have seen them before. [Witness produces the spear in question.]

12th September, 1911.]

MR. MAURICE FITZGERALD, J.P.—continued.

[WATERVILLE.]

Dr. Makoff.

8420. How many miles long is the river?—The river is 14 miles long. My netting goes up a mile and a half or two miles above Inay bridge, and I fish the tidal water from the bridge down.

Mr. Justice Ross.

8421. And are you a riparian proprietor or have you a several fishery?—One side belongs to me. The other side belongs to Lord Lansdowne, but I have a prescriptive right for generations to a several fishery.

8422. Does Lord Lansdowne fish it?—No, he does not.

8423. And you use a net?—Yes, a drift net, and I employ four men.

8424. Regularly during the season?—Yes, and I pay all the expenses, licence, &c., and provide the net, and they get half the fish. In fact we sell all the fish, and they get half the money.

8425. Where do you sell the fish?—I sell it locally to Mr. Mathew. He is a merchant in Colchester.

Dr. Makoff.

8426. How far is Colchester?—Nine miles from here.

Mr. Justice Ross.

8427. Is there poisoning?—There is.

8428. Is it done with spurge?—Yes, and also with lime.

8429. You have no dynamite?—No; no dynamite in this part.

8430. Now, tell me, as regards the ownership along the river, who are the principal proprietors?—Well, there are very few tenants, so far, who have purchased the fishing rights, but there are some.

8431. Are there many who have purchased the land?—No, I think any who have purchased land along the river Inay have also purchased the fishing rights.

8432. And how many would they be who have purchased the fishing rights?—Well, I suppose there would be about three dozen.

8433. Are they all in a block or separate?—Oh, they are on separate estates.

Dr. Makoff.

8434. Did they buy separately without the fishing rights?—No, when they were buying the land from the landlords they bought the sporting rights.

8435. They were not allowed anything?—Oh, generally. It is a matter of bargain completely.

Mr. Justice Ross.

8436. You said there were about three dozen?—Yes, about that.

8437. Have they a large river frontage?—Well, it varies. Some of them have a fair frontage, but, in the case of the majority of them, it is only a small frontage.

8438. Did they buy under the Act of 1903, or under the earlier Act?—Some of them bought under the 1903 Act, and one property, Mr. D. C. O'Connell's property, was sold under the 1900 Act.

8439. Well, since they have become purchasers, has that state of things affected the river at all?—Some of them have let their fishing rights annually to Mr. McEliff.

8440. Who is Mr. McEliff?—He is the proprietor of the Butler Arms Hotel. He is very interested, of course, in the fishing in this district.

8441. And have most of them let their fishing rights to him?—Well not most of them, but many of them have; and they have got more runs, I think, considerably, from Mr. McEliff's individually than what the landlords let the whole property to him for previously. So I understand.

8442. So they are doing well?—I think so, and I know that at least one of them has done his best to preserve the fishing.

8443. Do they take an interest in the preservation of the fish since they have acquired those rights?—Oh, certainly.

8444. They would not allow poachers to go on their land?—They have to allow them on, unfortunately, because a lot of them live in remote districts, and they would be afraid to bring prosecutions for fear of incurring unpopularity.

Mr. Justice Ross—continued.

8445. So the poachers can practically walk over them?—Yes; in fact they come from twelve miles away, from Falmouth, with nets on carts, to fish the river Inay in morning.

8446. In open day?—In open day, and they fish it.

8447. And the men are afraid to stop them?—Yes.

Dr. Makoff.

8448. Do they poison it in open day?—They poison it in open day, but they take very good care not to be seen poisoning it.

Mr. Justice Ross.

8449. Are you a member of the local Board of Conservators?—Yes, sir.

8450. How many members are there of the Board?—Nine members.

8451. Do they attend regularly?—They do. They attend very well.

8452. They know their business?—Oh, yes.

8453. Have you had many prosecutions?—Well, not very many; I suppose an average of about three a year, or so.

8454. Have you succeeded in getting convictions?—We have always succeeded in getting convictions, except in one or two cases.

8455. You have nothing to complain of with regard to the local Bench?—No, but I complain of this, as regards prosecutions, that there is always a danger that the Lord Lieutenant will treat the poisons.

8456. I should like to hear about that from you. In cases where you have got a substantial fine, has the Lord Lieutenant remitted the fine wholly or partially?—Well, I know one case in which he would certainly have remitted it. It was a case that occurred about two years ago in which a man was caught deliberately poisoning, and was fined £4 by the local magistrates, and he certainly would have remitted the fine but that very great pressure was brought to bear on him not to do it, as there was no sympathy with the case.

8457. As a general rule, is local feeling against the poisons?—No, I am afraid it is not.

8458. It is rather in favour of him?—It is rather in favour.

8459. Well, now, tell me what income have your Board of Conservators?—It is, roughly, about £150 per annum.

8460. Are the bailiffs satisfactory?—Well, for my own part, I don't believe a lot in bailiffs.

8461. Are they friends of the local people?—Some of them are—yes.

8462. Of course, there would be great difficulty in their taking action against their friends?—It would be very difficult for bailiffs living in remote parts of the country to bring prosecutions. Their lives wouldn't be worth a day's purchase.

8463. Is it so bad as that?—Yes.

8464. Is it more dangerous since the Arms Act was repealed, and since they are now in possession of revolvers?—Oh, well, I don't think they would shoot a man round here, exactly, but, I think, latterly they would be more inclined to take the fish than they would in days gone by.

8465. I suppose you get assistance from the police?—We do. They do all they can, but there are very few police here.

8466. How many police have you here?—There are generally about four police in Waterville.

8467. The district is very peaceful?—Oh, very.

8468. In other respects?—Oh, yes.

8469. And the police do all they can?—They do, and if Mr. Sloan asks them they will give all the assistance they can; and the Conservators do all they can to treat the police liberally.

8470. Now, with regard to the other river that you mentioned, are you acquainted with it?—I am very well acquainted with it.

8471. Is it a good salmon river?—Oh, yes, an excellent river.

8472. And is it a late river, too?—No, it is an early river.

8473. What is the close period?—For angling, the season is from the 1st of February to the 15th of October, and Mrs. Butler's weir opens on the 1st of January and closes on the 15th of July.

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MR. MAURICE FINGERNAN, J.P.—continued.

[WATERVILLE.]

Mr. Justice Ross—continued.

8474. Mrs. Butler has a weir?—She has, on the Waterville river.

8475. Do you know what the take of the weir is?—In days gone by it used to be estimated at about hundred a year, and I daresay it would now be worth much about the same.

8476. Is the fishing on the later river getting better or worse?—I think myself that the fishing has been improving within the last seven years.

8477. You have nothing in the nature of a hatchery?—We have an excellent hatchery down here under the control of the Department.

8478. And what is your opinion of the effect of the hatchery?—Well, of course, it is not long enough in existence to enable me to give an opinion.

8479. How many years is it in existence?—Roughly, about three years.

8480. And, till it is about four years, I believe, it is impossible to say?—Yes; they distributed 86,000 ova in the liny last spring. The salmon were caught with the Department's leave, and we put the ova into nice by-streams.

8481. As regards the riparian owners, who are the principal proprietors?—Sir Morgan O'Connell and Lord Lansdowne.

8482. On the whole river?—Yes. Mr. Williams has a little bit, not very much.

8483. Then it is not in the hands of the tenants?—No; they have not sold at all to the tenants.

8484. Are there tenants' farms abutting on it?—Yes.

8485. But the fishing rights are reserved?—Yes.

8486. What does he do with the fishing?—He has let it this year to Mr. McElligott, the hotel proprietor, and to Mr. Huggard of the Bay View Hotel.

8487. And, I think, Mr. McElligott utilizes it by allowing gentlemen staying in the hotel to fish there?—Yes.

8488. Is there any poisoning in that river?—No, there is no poisoning in the river. I don't think it is very likely that it could be poisoned. It has a boggy bottom. The liny has a gravelly bottom. I don't think you could poison the river Cammeragh.

8489. Spurge does not affect it?—No. Bog oystersmen it.

Dr. Mahaffy.

8490. I never heard that before?—Well, it is a fact, because I happen to know a man who tried to poison it at one time and he failed, and he told me so.

8491. Does that also affect the quality of the salmon—would the salmon in a river with a boggy bottom be inferior?—Well, I don't think the salmon are as good.

8492. As those in the river liny?—I don't think so.

Mr. Justice Ross.

8493. Well, may you give us any idea of what an angler would get in a very good day—how much would be got on the second river?—Well, it is hard for me to say, but he would do very well, I consider, if he got three salmon or if he got half a dozen of white trout.

8494. Are there white trout on this river also?—Oh, yes.

8495. And I suppose there are plenty of brown trout?—There are plenty of brown trout on it and on the liny. There are lakes at the head of the Cammeragh. There is no lake at the head of the liny.

8496. Is there poaching by gilling and that kind of thing?—Not so much poaching on the Cammeragh as there was.

8497. What do you attribute that to?—Well, it used to be a great river for poaching during the spawning fish, and some young men unfortunately, by accident, was shot there during one of the poaching efforts. The poachers attacked the bailiffs, and the police, in self defence, produced their guns, and one of them accidentally shot a man, and that had such an effect that there has been less poaching since that time.

8498. Now, is there extensive fishing by fishermen in the sea water?—There is. They fish at the mouth of the Cammeragh and at the mouth of the liny, and each seine is worked by eighteen men.

8499. Have you any notion of what the catch would be in a good season?—Yes, they make, in a good season, 211 or 212 a man, after paying all expenses.

Dr. Mahaffy.

8500. For 18 men?—Yes.

Mr. Justice Ross.

8501. After paying all expenses?—Yes.

8502. To whom do the seines belong?—They belong to the fishermen themselves, and they are a very poor body of men.

8503. They have no land?—Well, they have little bits not worth taking. They depend almost entirely on the fishing.

8504. They have potato patches and that kind of thing?—Yes, a small bit of land, perhaps, a few acres of bog.

8505. Do you know whether the fishing there is getting better or worse?—I think last year they had one of the best seasons they had for years, and I know that to be a fact; and they haven't had a bad season this year.

8506. You must have been thinking a good deal over this subject. Has anything occurred to you that you could put before us, anything that you think would tend to the improvement of the fishing?—Well, I have a few points.

8507. We should be glad to hear them?—In my opinion poaching ought to be more effectively prevented by leaving the protection chiefly in the hands of the police, and I would do away almost entirely with the bailiffs, if I had my way, and I would use the funds which are so expended at present, in defraying, partly, the cost of the police protection.

8508. Extra police?—Extra police.

8509. How many more would be required?—I suppose, to protect this district sufficiently, you would want about eight policemen.

8510. You would have a separate body for fishery purposes solely?—Yes.

8511. Who would devote themselves entirely to that?—Entirely to the protection of the fishing.

Mr. Green.

8512. That would be during the breeding season, I suppose?—Oh, I would be just as careful during the summer as during the breeding season. There is more poaching going on here in the summer than during the spawning season.

Mr. Justice Ross.

8513. Will you give us your next suggestion?—My next suggestion is that Boards of Conservators should be composed of persons who are financially or otherwise interested in fishing. Of course that stands to reason. There is no man who is so good a Conservator as the man who takes an interest, whether an angler or not, in fishing.

8514. Have you on the Board of Conservators some men who have no real interest in fishing at all?—I wouldn't like to say exactly that, because as far as Mr. McElligott and myself are concerned we are financially interested, and the rest are interested from the angler's point of view.

8515. What about the fishermen themselves at the mouths of the rivers—have they got a representative, or do they elect?—No, they have no representative on the Board.

8516. You told me at the beginning that you thought your present Board of Conservators was fairly satisfactory?—Oh, yes.

8517. Then why do you suggest a change in the composition of the Board?—Because I foresee it is quite possible that if there was no interest taken in it by the fishermen, people would get on the Board here that would have no interest in it. For instance, a few years ago we had the greatest difficulty in getting a Board of Conservators.

8518. Then your suggestion is with a view to future changes?—Yes.

8519. And what is your next suggestion?—My next suggestion is that there should be no distinction made on Boards of Conservators between fresh-water and tidal divisions. As present no non-fisherman man can vote for a fresh-water conservator, and vice versa. I don't know whether you are acquainted with the principles on which elections of conservators take place. For instance, I have power to vote for a tidal-water conservator but not for a fresh-water conservator.

13th September, 1911.]

MR. MAURICE FIDGEMAN, J.P.—continued.

[WATERVILLE.]

Dr. Makaffy.

8530. Has nobody a right to vote for the two?—Well, I would have a right to vote for the two if I took out an angling licence as well as a net licence.

Mr. Justice Ross.

8531. Your idea is that as the fishery as a whole is one concern there should not be these divisions?—Yes.

8532. But there is always, of course, a conflict between the anglers and the net fishermen?—There is no conflict here I think.

8533. So do your Conservators all get on amiable?—Oh, yes, most harmoniously. They are a very good Board. I would also only give one vote to one licence, because if you hold a £5 licence you get two votes, and if you hold a £10 licence you have four votes, whereas the man who pays £1 has only one vote.

8534. Would you give an additional vote to the man that pays the £10?—No, I would only give one vote to him just as well as to the man that pays £1.

8535. You are unfavourable to the policy of plural voting?—Yes, I don't believe in plural voting for anything.

8536. Then, what is your next suggestion?—My next is that permanent gratings should be placed at Lamsburn Bridge on the river Inny and also on the river Firtha, and on the Curragh river at Ballaskelligs Bridge, and also one at Anagar Bridge. I think it is most necessary in order to prevent poaching on the rivers, because the fish go up into the narrow places there whenever they have water, and I have often seen them taken out in turf baskets.

8537. We have had that suggestion made before with regard to many rivers, but there are the greatest objections to it; first, because a great flood would carry away any gratings?—Oh, no, I don't think so.

8538. A second objection is often made, that the fish would congregate about the grating, and that would afford a great opportunity to poachers?—I don't think that objection would apply, because we would take special means of protection. The local boards would protect those places specially, and we would be able to protect them there, and then we need not protect them at all above the gratings, whereas it is really impossible for this Board of Conservators to protect say, the river Inny, a river 14 miles long. They protect it as well as they can in the winter, and in the summer there are generally no funds left, and the most they can do is to send out four or six baillifs.

8539. So you would be able to concentrate your forces on the gratings?—Yes. If there was one put at the bridge six miles up we would be very well able to protect from that down.

8540. Any other suggestions?—Yes. At present we only get £1 from the Department for every £1 subscribed locally, and I think it would be well if the Department could see their way to increase that to £3.

8541. Now that you are on the question of finance, it is obvious that you require some more money?—Oh, yes, we haven't enough money.

8542. Can you make a suggestion as to any way in which you could get it locally raised, by an addition, say, to the licence?—Well, I would be against any addition to the licence.

8543. As far as the angler is concerned, he pays enough?—Yes.

8544. But as far as those that net are concerned, do you not think that considering the great advantages that could be acquired by a judicious spending of this money, it would be well worth the while of those who set to pay the additional licence?—No, I don't think so, sir. I think it would make very little difference in the funds of the Board, because there are only seven nets in this whole district.

8545. So that it would be immaterial?—Immaterial practically.

8546. Any other suggestions?—Yes. I have seen in the accounts of the evidence given before your Committee that a good many witnesses have advocated the doing away with all netting in fresh water. Well, I am dead against that.

Dr. Makaffy.

8547. That is natural?—Of course I am somewhat prejudiced.

Mr. Justice Ross.

8548. I should like to hear any argument from you on that. Supposing that you were not interested at all in the netting, would you give us any arguments against the prohibition of netting in fresh water?—Yes, I can give you, for instance, the river Inny. Sometimes a week comes when the fish are running in big numbers, and we can't catch one of them owing to the floods, and a week after, if you went up to the top of the Inny you wouldn't see one fish. They have all been caught in those narrow streams, and so forth, and supposing I stopped netting for the whole season, I don't believe it would increase the fish in the river Inny by anything.

Dr. Makaffy.

8549. That is only on account of the poaching?—On account of the poaching. I suppose if the fish were not killed by poachers or nets or anglers they would be more abundant.

Mr. Justice Ross.

8550. If the poaching was effectively got down, would not your argument lose weight?—Poaching or no poaching, the netting does not influence the supply of fish.

8551. As a matter of fact, I suppose that when the fish go up into those places they never come down again?—Never.

8552. Well, any other suggestion?—I have another suggestion, and it is this, that any several fishery, or other, the owner of which can prove his title for at least fifty years, should not be interfered with, whether on fresh or tidal waters. I think if any man has had a fishery for 50 years, and I suppose the majority of owners could prove their title for 100 (I know I could prove it for 150 myself), it would be most unfair if there was any interference with him.

8553. Well, it is always a difficult remedy to interfere with what has been long in existence?—Of course.

Dr. Makaffy.

8554. And there would also be the question of compensation in such cases?—I think, as a general rule, owners of several fisheries, and men like Mr. McKilgott, who are financially interested, do far more for the preservation of the fishery and are far more interested in preservation than any angler.

Mr. Justice Ross.

8555. Don't they contribute to the funds?—Well, they do.

8556. Substantially?—Well, not very substantially. They pay a few pounds.

8557. Do you know is there a rating on your several fishery?—No. I am not rated at all.

8558. How is that?—I suppose they didn't think it worth rating. My actual income from it would be about £80 a year for my part of it.

8559. Is there no rate?—No, and there never has been.

8560. On any fishing in this river?—There is on Mrs. Butler's, on the weir itself but not on the salmon.

8561. On the weir but on nothing else?—No.

8562. Have you given us all your suggestions?—I have.

Dr. Makaffy.

8563. They recognised in other places that they got a great many fish in the river marked with nets?—Yes, we got a lot of them, especially in the summer. I have never seen so many marked as this summer. All along the Ballaskelligs coast, to the mouth of the Inny, bag nets were set in the sea. They are absolutely illegal. The inspector, Mr. Sloane, has seized a couple of them. They set them in the sea, and that fishing is illegal, and the fish always keep the same course and they get marked in them. This summer there were 13 nets all along that coast.

8564. Up the country I see there are lakes. I suppose they are brown trout lakes?—Yes, and white trout lakes.

8565. And there are some of them very good lakes, are there not?—Oh, yes, excellent lakes.

8566. And you have got brown trout there as well as white trout?—Yes.

8567. Are they lakes that have a commercial value?—Yes.

15th September, 1911.]

MR. MAURICE FITZGERALD, *A.P.*—continued.

[WATERVILLE.]

Dr. Mahaffy—continued.

8558. And people go out to fish there from Waterville?—Yes, they do. The lakes belong to Sir Morgan O'Connell and some to Mr. Daniel O'Connell.

8559. And there are boats on them?—Mr. McKillgott has them taken.

8560. And I suppose if you put down poisoning, the people up there who would get rents for their fishing would find it to their interest to prosecute. Then would they be afraid to prosecute poachers?—I don't think they would ever venture to bring a prosecution.

8561. But they would stop the actual persons that they caught?—I am afraid not. I know a case where a pool was poached right after night, and the owner of the place, though he had purchased the land, was powerless to interfere.

Mr. Justice Ross.

8562. Do the poachers actually come down on your waters?—They don't, because we watch them very well. They often tried it. They did it the year before last.

8563. If you found them, what would you do?—I would prosecute them, but I am not bringing up in the case. These people live in remote places, and they are afraid to bring prosecutions because they fear the poachers would revenge it on them.

Dr. Mahaffy.

8564. And is that a place where the police would be valuable?—Yes, the Inny.

8565. You said there was another river, the Cobar-creeve. How long is it?—Seven miles. It was an excellent salmon river, but it has been absolutely destroyed by poachers. In fact there was a buffal actually killed there last year because he brought a prosecution against some poachers. He was actually murdered, and there are four men doing penal servitude now for killing him.

8566. And to there no fishing on that at all?—They have practically given it up.

8567. And this river is absolutely destroyed?—Absolutely destroyed.

8568. They don't poison?—They do everything. They poison and spear and everything. I don't think a fish is allowed to spawn in it.

8569. Who owns the banks—was they bought by the tenants or what?—I think part of them has been bought by the tenants.

8570. Is it the Trinity College estate?—No; part of it is on Mr. Fuller's estate. And Lord Londonderry has got some property there, and Mr. O'Connell of Derry-street has a lot of property there.

8571. Most of Cobar-creeve belongs to Trinity College?—Oh, yes, but this river runs up from Cobar-creeve to Fylenmore.

Mr. Colderhead.

8572. You said you had two seine nets each worked with 18 men?—Three seine nets.

8573. Each seine net 18 men?—Yes.

8574. They must be of considerable size?—They are very heavy nets, and each has two boats, a seine boat and a follower.

8575. How long are they?—They would be about 140 yards long.

8576. Do they all work in the same locality?—They do, all at the mouth of the Waterville and at the mouth of the Inny. Sometimes they may take 100 fish in a haul, and so forth. They never had except when the salmon jumps.

8577. You watch them fishing?—Yes.

8578. And there are not seven nets in the district?—There are three seine boat nets, and Mrs. Butler has a net as well as the weir, and I have a net, and that makes five, and there are two nets in Cobar-creeve, and that makes seven.

8579. And there are all seine nets?—Yes, except Mrs. Butler's net and my net on fresh water, which are only 30 yards long.

8580. Three are very large?—Oh, yes, but not the nets on the fresh water. You would have no business with a net that size on fresh water. It would be useless.

8581. Whose are working on fresh water?—Mrs. Butler's and mine.

Mr. Colderhead—continued.

8582. How far up the water?—Well, I work my net up for about a mile and a half on fresh water.

Dr. Mahaffy.

8583. Then you don't think that is excessive netting, and you don't think the fishing is getting worse?—I think the fishing has been improved within the last seven years. The year 1896 was the worst year we ever had, and it certainly has been improving considerably within the last seven years.

8584. These seine nets were there the whole time?—These seine nets were there as long as I can remember. One or two years they didn't happen to take out because the fishing was bad the year before that.

Mr. Colderhead.

8585. These fishermen are not represented on your board?—They are not represented on the district board, except you may say that I myself being owner of a net might represent them.

8586. The reason is that they are your own employees practically?—Oh, no, that is not the reason. They tried to get a representative on, last time, but we omitted them because we considered that any of the representatives that they put forward were not suitable men, as, indeed, they were not.

8587. So far as you know any other district in Ireland, do you think that would be a good arrangement?—Witness.—To have representation on the Board?

8588. No, but to be without representation?—You know it is a difficult question. You know it is of importance that you should get sensible men on your Board as Conservators.

8589. Precisely?—And you don't want a prejudiced man, no matter who he represents, because an intelligent man will try to represent all interests and do his duty as well as he can.

8590. Do you think that a man who may be commonly fishing in the sea for salmon is a suitable man, as a rule, to be on the local Board?—If he was an intelligent man I think he would be.

8591. Although he may have no interest in the fresh water?—Well, of course, that is the point. I suppose his interest is down in the sea. I don't think that if he was an intelligent man that should prevent him from doing his best on the fresh water; but certainly in this district there is not one of the seine-boat men who would be fit to be, or suitable, on the Board of Conservators.

Dr. Mahaffy.

8592. You think if he was intelligent he ought to be honest?—There is many an intelligent rogue, too.

Mr. Gwyn.

8593. Mr. Fitzgerald, you suggested limiting the Inny river practically to six miles available for salmon?—Yes.

8594. Would that leave sufficient spawning ground?—Oh, plenty. It would have excellent spawning ground; and not only that, but it would not injure the few farmers above Lanesboro Bridge one bit, because they get no good out of their fishing at present. They have all given up fishing.

8595. How much of the banks of the river is held by tenant purchasers?—I think there would be three miles of them held by tenant purchasers.

8596. I suppose there would be a good many of them?—Oh, a great many of them. The holdings are small.

8597. You would agree, I suppose, that the poisoning of the river injures not only the sportsman owners, but also must injure the fishing of the public in the sea?—It does, of course, because there will be no fish left to spawn if a pool is poisoned. It kills everything.

8598. It therefore does injury to the public. It has been suggested to us by way of coping with that evil that it might be well to make it possible for the Conservators as a body to proceed for compensation for malicious injury on the ground that it was an injury to the public, and to recover the fine, which might be spent in extra preservation?—Of course it is quite possible now, because it has been tried already in Kerry by Mr. Meredith.

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Mr. MAURICE FITZGERALD, J.P.—continued.

[WATERVILLE.]

Mr. Justice Ross.

8600. But it is only the owner of the boat and sail of the river that has that right at present. The Conservators have no power?—The Conservators have no power, but, I think, it would be an excellent thing to give the Conservators power, certainly.

Mr. Gwynn.

8601. Is the public interest; because you agree that it is the public that is being injured?—It is, but unfortunately claims under the Fisheries (Lugnet) Act would not, as a general rule, hurt the poachers, because the poachers are very often irresponsible men.

8602. But do you think that if the district knew that it was going to be fined in the case of a poisoning, that would encourage the people of the district to resist the poisoning?—Certainly, because they would have to pay the extra rate.

8603. And don't you think that would be a good thing?—I think it would be an excellent thing. Of course it would hit the taxpayers for a short time, but they would have the benefit of it afterwards, because poisoning would be put down completely.

8604. And you agree that poisoning does more damage than opening or gaffing?—Oh, yes, the poisoning does more damage than anything.

Mr. Justice Ross.

8605. It kills the oys?—It does.

Mr. Green.

8606. Tell me this. Is it not a fact that when a gang of poachers want to poach the fish they come from a long distance?—Yes, they come from 12 miles away.

8607. Suppose a fine was imposed on a district for a poisoning committed by a gang of poachers that came from a place 12 miles away, the people that would be taxed for that fine would probably be the people living near the river?—Certainly.

8608. And those chaps that came, and the district from which they came, would probably get off altogether?—Yes, but if the fine would have the effect of raising the rate of those who lived alongside the

Mr. Green—continued.

river, who would have to pay the rate, they would combine then to keep away the poachers.

8609. And they would be inclined not to let those people come to the place?—Undoubtedly.

8610. What did you say those nets were that were set in the bay?—Bag nets.

8611. You called them bag nets and then you said they were not nets, anchored nets?—They are really bag nets.

8612. Have they been increasing in numbers lately?—They have increased immensely.

8613. In the last ten years?—Yes, and especially in the last five years. They are all along from Horse Island, just outside Hallsbrook, practically to the mouth of the bay.

8614. That is in the district where most of the seine-boat men live, isn't it?—It is, but the seine-boat men would be afraid to report them.

8615. And they are not the seine-boat men that do this?—Oh, no, they are not. Some of those nets are 150 to 200 yards.

8616. And they are anchored on the route that the salmon are coming along?—Yes.

Mr. Gwynn.

8617. Who set those nets?—Men living along the coast there, are fishermen, as a rule, men who generally fish for mackerel. They make a considerable living by those fixed nets.

Mr. Green.

8618. And can't the Conservators send out a boat to seize those nets?—Well, it is very expensive. We have to get a man. It generally costs us about £1 to get a crew together. If we could get a motor boat it would be a great help to us.

8619. A motor boat might sweep off those nets easily?—It would, of course, and you would get it very readily equipped. I may add that these trawlers are doing immense damage to the fishing, and it would be well if you could prevent them.

8620. Do you mean the steam hawkeens?—Yes; they come into the bay and sweep the land and all other fish.

Mr. R. O. SEDGWICK, continued.

Mr. Justice Ross.

8621. You are Clerk to the Waterville Board of Commissioners?—Yes.

8622. How long have you been in that capacity?—Eight years.

8623. And you are acquainted with the whole district, of course?—Oh, yes.

8624. And now, what are your funds?—I will take it for a few years back and give you the figures. In 1906 we had a balance of £258. That year we got a subscription of £30 locally and £30 from the Department. That time the Department were only able to give us a pound for every pound subscribed locally. In 1907 the balance went down to £184 3s. 4d., and that year our subscriptions were only £14, with the same amount from the Department, too. In 1908 we had £128 1s. 6d. (they were going down still), and we had £25 of local subscriptions and the same from the Department. In 1909 it went down still further to £168 1s. 7d., and that year we got £25 8s. 6d. locally and the same from the Department. The Department commenced to be a little generous then, my lord, and in 1910 it went up to £192 13s. 6d., and we had as the total amount of subscriptions £79 15s. 6d., which included £30 from the Department. The Department gave us that year, for the first time, £1 for every pound subscribed locally.

8625. So that your funds have been gradually falling?—Falling, my lord.

8626. I need hardly ask you see your funds sufficient for the work you have to do?—Oh, no, my lord, we will be bankrupt this year practically.

8627. Have you any suggestions to make as to how any more can be got locally?—I don't think so. It is a very poor locality and they are subscribing generally, and I don't see how we are to get funds except the Government come to the rescue. The Royal Com-

mission on Congestion in Ireland held a sitting here, and his lordship the Bishop of Ely, described the salmon fishery as a national asset. Well, surely, if they are a national asset, my lord, the Government ought to come to the rescue and save our fisheries. Of course it is a tall order, but I don't understand how we are to get on without it. Take it for the last few years. We got a pound for every pound subscribed. That was really, you might say, nothing, because they certainly kept down their amount. If we only subscribed £5 we would only get £5 grant.

Mr. Green.

8628. But then in the years previous to that you got nothing at all, and you say you were better off?—I know, but that is no reason we wouldn't get it now.

8629. Is that the more you get the more you want?—The more we want, and I know the Department are doing the best with the funds at their disposal, but my view is that the Government ought to become a little more generous.

Mr. Justice Ross.

8630. You are going into questions of higher policy, but what we want to get from you is facts, and all these matters are in our mind?—I know, but that is the only suggestion that I can make.

8631. Your answer is that you can do nothing more, locally?—Nothing more, locally.

8632. How many employees have you?—Well, it is very nearly the same every year. In 1906 we had 15 baillifs in the summer and 30 in the winter; in 1907, 13 in the summer and 34 in the winter; in 1908, 17 summer baillifs and 32 winter baillifs; in 1909, 15 summer baillifs and 27 winter baillifs, and in 1910, 15 summer baillifs and 29 winter baillifs.

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Mr. R. O. ROANE—continued.

[WATERVILLE.]

Mr. Justice Ross—continued.

8632. Are those bailliffs satisfactory?—Well, fairly well, my lord.

8633. They do the best they can?—They do the best they can.

8634. Under great difficulties?—Under great difficulties.

8635. Being local men, it is almost impossible, I suppose, for them to prosecute their friends and neighbours?—It is almost impossible.

Mr. Gwynn.

8636. What do you pay them?—Generally from £2 in the summer and from £5 to about £2 10s. in the winter, the winter time being from the 15th of October to the first week of January.

Mr. Justice Ross.

8637. And, I suppose, you get excellent assistance from the police?—Oh, we do. We have 10 police in the winter time, five at Dromed and five at Derrinanna.

8638. One policeman is worth a dozen bailliffs?—Worth a dozen.

8639. You heard the suggestion that was made in regard to a special addition to the police. Do you agree with that?—I do.

8640. You have heard the evidence about the poaching on the river?—I have.

8641. Can you add anything to that?—No, my lord, I can't.

8642. On the Loxey river and the other one?—No, my lord, I can't.

8643. Have you any suggestion to make?—Well, just, my lord, as regards the issuing of licences, that we suffer great loss here as regards that, and that is what is handicapping us this year. A great number of visitors come here that don't pay a licence.

8644. Never pay a pound?—Never pay a pound, my lord.

8645. Would you think it reasonable that an angler who has taken out a pound licence should contribute something to the place where he actually fishes?—Oh, my lord, certainly; and I know one gentleman that has been coming here for close on 30 years, and he is one of the greatest crookers if he doesn't get a fish, and for that 30 years he has never taken out a licence.

Mr. Green.

8646. In this place?—In this place. He has taken it in Killybeg.

8647. Wouldn't it be well if he paid 10s. generally?—Yes.

8648. Leaving the other 5s. to go to the place where he fishes?—Yes. Even if we had a weekly licence it might be better, because it is really a great hardship to have a visitor, an English or a Scotch gentleman, coming over for two or three days to pay £1, because he goes away again; and that is what I say, my lord. We are very much handicapped here as regards that, because a large number of our visitors are English visitors, and they go where the districts don't interfere with one another; but, unfortunately, I am afraid competition does creep in. There is a commission given, my lord, on the sale of licences, because they have books of licences around, and they pay them for the selling of them. For instance, every fishing-tackle shop is an agent, and the Board of Commissioners give them a book of licences. Then, I am afraid, my lord, it creeps in, because I have met several visitors here where they told me that they went into a fishing-tackle shop and they were asked to purchase a licence, simply for the sake of the commission. This district then loses that, whereas if we had our own licences, no matter what they would be put at, if it was for a day or a week, that would be better, because we have a lot of visitors here and it is very hard.

Mr. Justice Ross.

8649. Even if there was an additional 5s. for fishing in a particular locality, that would add considerably, owing to the number of anglers you have?—Undoubtedly, my lord.

Mr. Justice Ross—continued.

8650. Now, as regards the fishing generally, do you think it has got better or worse?—It has been getting better, my lord, for the last few years.

8651. To what do you attribute that?—I attribute that here, my lord, to this. Before I was appointed, and before the district was divided, there was no inspector here to go out after the bailliffs at night, and the bailliffs had a free sheet to do what they liked, and the inspector was not nearer than Killybegs. Now, when the district was divided and an inspector was here, the bailliffs appeared at least to be on the spot.

8652. Then they became more useful?—Oh, yes.

8653. Now, as regards the sea-fishing, have you anything to complain of about the nets that are used?—Well, I have seemed about three or four of them, my lord. They are generally about 120 yards long and anything over from a two-inch mesh up. The last one I seized was 125 yards long.

8654. Do you consider that too long?—But this was a illegal one. This was a poaching one, that is to say, a fixed net.

8655. In this one of the nets called a mesh net or bag net?—Yes, one of the mesh nets. I seized that last June.

8656. Had you a boat?—I had to get a boat, and I was out all night, and we seized the net and confiscated it at Petty Sessions.

8657. And the value of that would be about £8?—Yes, about £8.

8658. When you seized this net you had to get a boat?—Yes, and we have a very bad time getting out a boat.

8659. You would require a motor boat?—We would require a motor boat.

Mr. Green.

8660. Where would you keep the motor boat?—We could build a house.

8661. Where are you be all right, but how about getting the boat launched, for if you had a motor boat here it would be extremely difficult to launch the boat?—Yes.

8662. Or to bring her in?—Yes.

Mr. Justice Ross.

8663. You would require a little harbour?—We would require a little pier.

8664. Have the boats that are actually engaged in local fishing got a place for landing?—They have got a landing place for Ballinabeg. As a matter of fact some of our bailliffs' boats on the lake were smashed up.

8665. Do you think the fishing has got worse since land purchases has come into operation?—Purchase has been so recent here (practically) it has not been more than twelve months) that we are scarcely able to say.

8666. To say how it works out?—No.

8667. Now, as regards the lake, I suppose that comes within the sphere of your operations?—Yes.

8668. And you have boats?—The hotels have boats on the lakes for the accommodation of the visitors.

8669. Do you know do the visitors pay specially for the fishing or does anybody that stays at the hotel not?—Well, Mr. McElligott, who will be examined, can tell you that better.

8670. Now, you heard the suggestion made by the last witness, Mr. Fitzgerald, as to the net licences?—I think it is that nets certainly should be taxed more than they are.

8671. Do you think so?—Undoubtedly.

8672. He says that would bring in very little?—Every little makes a muckle, my lord. We are very glad to get a pound or ten shillings every way we can, but it is not proportioned at all. Even though this open season is longer for the rod, the net would do more work at one sweep than the rod man would do in ten years.

8673. And one fish would be enough to pay the value of the extra licence?—It would, my lord. It is altogether out of proportion to say that the dist net, where they get sometimes over 100 salmon in one haul out in the bay, even though their open season is considerably shorter than the rod season, can go out in the bay for £3 and catch 100 salmon in one haul, and the poor fisherman who is depending

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Mr. R. O. STAMM—continued.

[WATERVILLE.]

Mr. Justice Ross—continued.

for him freshened the same as the other man (we'll, our professional fishermen), pays £1 for a red license and undoubtedly very often gets nothing.

8674. The man that paid the extra license duty would know that the money was spent on the better preservation of the fishery?—Undoubtedly, my lord.

8675. Have you any other suggestion, Mr. Stamm?—I don't think I have.

8676. The ground has been very well gone over by Mr. Fitzgibbon. It has left you nothing to say.

Dr. Mahaffy.

8677. You talk about that poaching being put an end to by Government help. I am a historian and I have read history, and I tell you no Government ever succeeded in doing anything with any people by mere coercion or generosity if the public sense of the people did not go with it. As long as you have the spirit of the country in favour of poaching or in favour of preventing poaching, so long no Government help that you will get will do you much good?—Wouldn't it do it in this way—we would have the means of putting bailiffs on who would be independent enough to do their duty, and wouldn't we then compel the people to respect the law more vigorously than we do at the present moment?

Mr. Calderwood.

8678. Where are the fish sold?—I will tell you. There is none next door to myself.

8679. Can you do anything to prevent it?—Not in the open season.

8680. Why?—Because we can't question a party. You can't convict a party out of his own mouth, and I have no right in the open season to go up and ask a man where he got salmon.

8681. But in a district like this, where your nothing is well known to be in the hands of a few, surely there is very strong evidence if you find a man bringing in a fish from the sea?—Not from the sea, but from the rivers.

8682. You think the poached fish is mostly from the rivers?—It is all from the rivers. There is none in the sea.

Mr. Green.

8683. Except those nets?—Oh, of course, the nets.

Mr. Calderwood.

8684. We heard a great deal about the nets, and you said you captured one of them?—One? I captured three or four.

8685. Where were those fish sold?—For a poacher does not get anything for his fish if he does not pay him to poach?—Except this, that you could make it compulsory on a man when an importer or seller or anyone else had reasonable ground of suspicion that the salmon was poached, to show that it was not poached, that is, to throw the onus to account for it on the man in whose possession the salmon was.

Mr. W. McELISSOTT, examined.

Mr. Justice Ross.

8693. Are you the proprietor of a hotel?—Yes, the Buckle Arms.

8694. How long can you speak of, from your experience?—I have been fishing since I was in my cradle, practically, and I have been at home for the last ten years, since I left school; and I have been taking a great interest in the fishing since I have kept this hotel for the last seven years.

8700. Is the fishing getting better or worse?—In my opinion it is standing where it was, because the salmon fishing has slightly improved and the white trout fishing has considerably deteriorated.

8701. To what do you attribute the deterioration of the white trout fishing?—To the mackerel nets principally, set in the bay. They are a killing white trout is driven along Waterville and Valencia this year and last year.

8702. And you ever hear of a white trout being taken by the mackerel nets?—Yes; I have bought them from them. They can sell them. They have no license to poach.

Mr. Calderwood—continued.

8686. But is not the poached fish sent a distance at all?—Perhaps it is. It is sold in Colchester and can be sent across to England.

8687. You don't know?—I don't know.

8688. Have you not tried to find out?—We cannot, because the man who has got the fish and is making money of it won't tell me.

Mr. Green.

8689. Is not this a matter that was one of the things suggested by the last Commission, that the salmon dealer should be obliged to give a certificate, with every salmon he sold, as to where it came from?—Yes, exactly, on the principle of the Game License Act, and that would be a good idea, because if it did nothing else it would give us an idea of where the fish was coming from, and we could devote our energies to finding out.

Mr. Justice Ross.

8690. I am afraid you would have great difficulty in getting the pedigree of every fish?—I think so, sometimes.

Mr. Calderwood.

8691. Or in getting a truthful statement?—Or in getting a truthful statement.

Mr. Green.

8692. You have heard that the tenant purchases got more for their fishing than the landlord previously got for his fishing. Do you think you can bear out that statement?—I know that Lord Lonsdowne is getting £3 a year from Bay View for the fishing rights of it. Well, his property simply extends as far as Mr. Fitzgibbon's several fishery goes, and then he goes out to Kesteven.

8693. But some of the tenant purchasers have stated the letting of their fishing?—Oh, yes.

8694. Are they getting more for their fishing since they came into possession of it than that same fishing was let for under the previous landlord?—I can't say that.

Mr. Stayer.

8695. Do you know if they are getting anything substantial?—I have heard they are, and they are asking a considerable sum for it. Mr. McElissott will be pretty well able to tell you when he comes on.

8696. Tell me one thing with regard to this question of subscriptions. Do you get any subscriptions from the visitors here?—Well, I don't ask them, because I really think it wouldn't be fair. There are some that only stop a week here and they pay £1 for a license, and they would pay £2 5s. or £3 for the day during that time, and I think it would be more likely to keep visitors away; and we want visitors here.

8697. And you wouldn't ever ask the gentleman who has been fishing here 30 years for a subscription?—Oh, he is a sensible man, he is.

Mr. Justice Ross—continued.

8703. And have you ever heard of those mackerel nets catching salmon also?—No.

8704. They catch white trout?—They catch white trout. I have inquired at Portmagee, and nearly all the tenants on the Trinity College property there are fishermen, and they say they never get salmon but they do get white trout.

8705. You have heard the evidence already given about the poaching and poisoning and the injury that is consequently done to the important industry. Have you anything to add to that?—Yes, I should think that the white trout fishing ought to be more adequately preserved than at present, because three-fourths of the red licenses taken out here are taken out for the white trout fishing. It is upon finding that brings the visitors, and there are at least 25 men depending on the white trout fishing for their living for four or five months of the year, whereas for the salmon fishing very few anglers come down at all, and yet we have a fishery at Waterville which catches out very few white trout in comparison with the salmon.

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Mr. W. McElligott—continued.

[WATERVILLE.]

Mr. Justice Ross—continued.

8706. What is your suggestion?—That the masked nets should be made to stay further away from the shore for one thing.

8707. Can they come in quite close?—Yes, right in to the beach.

8708. Sometimes the masked nets come into the bay, do they not?—Oh, yes, and right in to the beach. I saw them fishing within 50 yards of the beach last night.

Dr. Mahaffy.

8709. They would have to pay license if they came close to the shore?—Well, I don't think you could enforce that; the masked fishing is so much more important than the others at present.

Mr. Justice Ross.

8710. And have you any other suggestion as to the protection of white trout?—I don't think I have, except to follow up what Mr. Fitzgibbon suggested as to gratings on the small rivers. I find it is the white trout that run up fastest into the country. I have seen some white trout in a river where their backs were actually out of the water and where the river was not two feet wide, and I think it would be well if there were gratings to prevent the white trout going up there and to make them go into the main river.

8711. And I suppose that once they go into those remote parts of the river they never come down again?—Oh, no.

8712. You rent a considerable quantity of fishing?—Yes, I rent about five-sixths of the fishing in the neighbourhood.

8713. And then you make use of it by allowing your tenants to fish free?—Absolutely free.

8714. Is your fishing good?—No, because we only take it from year to year from the landlords. I dare say it has all been raved. I am not sure.

8715. Do you take any fishing from tenant purchasers?—Yes.

8716. I suppose they are beginning to know the value of it and change?—Too much; and the result is that they cannot get it.

8717. When, for instance, do they ask or get?—I am paying two men £5 10s. 6d. for two stretches of fishing.

8718. Can you give me a notion of the fringeage?—I should say there is over a mile of it on one side.

8719. Are they good fishings?—Yes, rather good if they were preserved.

8720. Are both those men on the same side?—They are on the same side. I have got the opposite side also, but I have it from the landlord.

8721. Is not that from Lord Lansdowne?—No, from Sir Morgan O'Connell.

8722. And I suppose you haven't to pay so much to Sir Morgan O'Connell as you have to the two tenant purchasers?—Well, his fishing is very complex, and I couldn't appraise it. It consists of two rivers and two lakes.

8723. Well, the two lakes are of considerable size?—Yes.

8724. Are these plants of trout in them?—Yes.

8725. What kind of trout?—Sea and brown trout. Salmon go there, but they don't take in those lakes. You see them jump there. They take on the big lake, but they won't on any of the others.

8726. Is it boggy water?—There is a gravelly bottom. Yes, the lakes are surrounded by bog and mountain.

8727. And have you ever put any additional stock into it?—No; the lakes are overstocked with brown trout.

8728. And, of course, that is very attractive to your tenants?—Yes.

8729. Do they troll for them out of boats?—Possibly fly-fishing.

Dr. Mahaffy.

8730. Some of them are big?—Yes; the big trout are seldom caught on the fly. The other fish, the small fish, no.

8731. How big do you get them with the fly?—On an average three to the pound—brown trout.

Mr. Justice Ross.

8732. And are you troubled with pike?—No pike here, perhaps.

Mr. Justice Ross—continued.

8733. Have you eels there?—Yes, we have eels there. They are very numerous in the bay, so that it would be utterly impossible to keep them down. Very few go on the lakes, though a great number are on the bay within a mile of the lake.

8734. Do eels go in?—I could not be certain of that. And there is a lantern on one of the islands.

8735. Do you think the herring do any harm?—Well, it is possible that they do, but there is a prejudice against disturbing herring which have been there hundreds of years.

8736. Have you any suggestion to make for the improvement of the fishing?—I think that the net licenses in the bay ought to be considerably reduced. At present, eighteen men in one row pay only £3 between them, and I think they should pay £10, because these people will poach within the limit if they get the chance. We had to pay two hundred £6 this year to see that the salmon seine boat crews did not come within the limit. The seine licenses amounted to only £6, and the holders took no interest in preservation during the spawning season. They would kill the goose that lays the golden egg. They are not solely dependent on salmon fishing at all. They use their boats principally for mackerel in June and July. As everyone knows, mackerel are not close enough to the shore for them, and they take a turn at salmon fishing. They gather their harvest, which is rather late in the district than these men come from. They collect their harvest in August.

8737. Are they farmers?—Yes, small farmers in congested districts.

8738. And you suggest an addition to their licenses?—Yes.

8739. And have you anything else to suggest?—Well, that more facilities should be given for the capture of drift nets. This year, while I was on the bay, I have seen myself some drift nets, and salmon which I have seen taken on the lorry this year bore marks of nets.

8740. A motor boat is wanted?—Yes; it is very difficult to get at them. The men using drift nets use them on the far side of the bay, and by the time a boat has gone across they would have their catch taken in and they would be several miles away.

8741. And there is a serious difficulty in providing a launching place for a motor boat?—A motor boat on any other.

8742. What do you suggest?—Some sort of a boat and a crew kept specially for it. We have nothing in the way of protection of all. As I said before, there is nothing but this boat on the bay, and there is a considerable sum spent on it.

8743. Have you any other suggestion to give to us as to the red-fishing?—Well, as to the license, it seems to press very much on the people coming down here for a few days' amusement that they have to pay £1 for fishing for two or three days when other people can fish for the whole year for the same amount; and, of course, you can't expect people like these to pay anything in the shape of a private subscription.

8744. What I should like to suggest to you is this: Would it not be a reasonable thing when people come to Waterville to have a few days' fishing to ask them to pay a week for their fishing?—They are paying at present the boatmen on the large lake which furnishes the best fishing. That is a matter with which the boatmen have nothing to do. And then, between paying the men and for lunch and refreshment and hire they pay three guineas a week, and they consider three guineas a week and £1 license rather expensive, especially when, as in the present season, they have dry weather.

Dr. Mahaffy.

8745. And the £1 would be an addition to the license?—I think it would be well if a license were created for people staying for a short time. We would then have a great many more of them. The people that come nearly all go in for trout fishing.

Mr. Justice Ross.

8746. Would you put on a license for trout fishing?—Witness.—On brown trout?

8747. On brown trout?—No, I don't think so.

8748. Is there anything else you have to suggest?—No.

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Mr. W. McEADGORTH—continued.

[WATERVILLE.

Dr. Mahaffy.

8749. You say the people that have those nets are on a Congested District Board estate up there, that the land is bought by the Congested Districts Board?—No, but it is a congested district although it is not bought by the Congested Districts Board. I mean men with very small farms.

8750. That Board does not help them with nets or boats?—Oh, yes, I think they could get boats and pay by instalments.

8751. And nets?—I think so.

8752. So that the Congested Districts Board are parties to that sort of fishing?—Oh, no; they won't supply that class of net. They will supply mackerel nets.

8753. So that it seems that the Board is doing that work at present?—That is mackerel nets. We don't object to their doing that, but that is for mackerel fishing outside. But a good many people are complaining of the practices of trawlers inside in the bay. Their season, some people say, ought to be limited, but they are in the bay for three or four months.

8754. And they contribute nothing while they continue to take the fish?—Well, they are disturbing the fish—I can't say whether they take them or not.

8755. The trawlers are also provided by the Congested Districts Board?—They come from far parts.

Mr. Green.

8756. Most of them come from Dingle?—Yes. I should like to say about the tenant purchasers who have purchased fishing rights, that I had a sketch of the river some years ago from Mr. D. C. O'Connell. He sold to the tenants, and gave them the fishing rights, and when they got the fishing rights I attempted to settle with them and they could not agree as to terms. One said "I have better land than you," and another said "I have a better salmon pool," and the result has been that last year and this year that fishing has been absolutely useless. No one has derived a penny from it. If the fishing could possibly be consolidated, and a fund established and the money paid to whoever was in charge of the estate, and then divided up, it would be much better than to have the fishing as it is at present, derelict. I have settled with two of the men, but the other ten I can't come to terms with, and I have tried repeatedly.

Mr. Justice Barr.

8757. It is very difficult to do it, because a man with a small frontage and a good pool demands a good deal?—Yes, and then there is an exaggerated idea of the importance of the fishing, and they expect perhaps £20 for what £5 had been paid previously. I don't say that they expected £20 in this case, but they have had nothing last year and they have had nothing this year.

Mr. WILLIAM F. BARR, examined.

Mr. Justice Barr.

8758. You live in this neighbourhood?—Yes.

8759. Are you a proprietor?—No. I am superintendent of the hatchery here. I have charge of the weir of Mrs. Butler.

8760. Would you tell us about the hatchery, how has it got on since you started?—Well, last year, or last season, we had a considerable increase of ova. We turned out something like 600,000 salmon fry and about 20,000 white trout fry.

8761. And, of course, you are unable to say what success you have had so yet?—Well, as far as we have gone, to the present time, we consider that it has got on fairly well.

8762. You have heard the suggestion that the hatchery should be more devoted to the white trout than to the salmon. What do you think of that?—Well, I would suggest that it should be devoted nearly in equal proportions to both salmon and trout.

8763. And you have heard the evidence about the poisoning of fish and that kind of thing. Have you anything to add to that?—I have nothing to add to that.

Dr. Mahaffy.

8759. And doesn't that tend to mend them?

Mr. McEadgorth.

8760. Do you suggest that in your hatchery they should hatch rather sea trout than salmon?—Yes; the bulk of the number of fish caught by visitors coming to Waterville are sea trout.

8761. How many sea trout would you catch?—I have kept a record of the number of sea trout coming to my hotel for six years, and our visitors' averages is from 2,800 to 3,000 per annum.

8762. Fish caught?—Yes, sea trout, caught with rod and line. That is a positive fact, as I can prove. So I estimate from the lake and the tributaries and the river nearly 7,000 sea trout as an ordinary year.

8763. How many salmon are caught in the same way?—Well, we have had, last year, 38 brought in. I can furnish the figures for the last six years any time this afternoon. I have an accurate account of the fish and of everyone that caught them.

8764. And what are the relative numbers of salmon ova and sea trout ova hatched?—I couldn't exactly state. Mr. Green would probably know more about that. The sea trout ova were very few last year.

Mr. Green.

8765. Are there not special difficulties in getting spawn for sea trout?—I don't think so. They had a net that was not made for the purpose. They tried for them, but they used a wrong net, and one occasion they got 38 of them on one river.

Mr. Gwynn.

8766. I did not quite understand what you said about this question of the mackerel nets taking sea trout?—I think they should have to pay a licence when these mackerel boats are caught with sea trout on board of them, or that the sea trout should be taken from them and sold, and the money devoted to the interests of the district in which they were taken. At present they are making a profit out of them; not very much as a rule, but they are spoiling our fishing.

8767. Do you think they are taking board fish for mackerel, and they can't help catching the sea trout?—They can't help catching them, but I don't think they should be allowed to sell them without paying some licence.

8768. Do you think they would catch as much sea trout as would repay them for the amount of the licence?—Well, I have had it from people on the spot in Valentia that they are often seen with five dozen sea trout in the hold.

8769. Isn't that a small amount of sea trout?—There are as many as 200 boats fishing together in the same time, and, if you find 60 in one hold, you would not be long making up the number of 7,000.

Mr. Justice Barr—continued.

8770. Have you any suggestion to make?—A suggestion as regards the netting in the bay. I would suggest that the licence should be increased.

8771. You think they could well bear it?—I believe they could. They have had a very good year this year.

8772. Any other suggestions?—The trout, once they are caught in the nets, cannot live. I don't say they catch them intentionally, but they get them.

8773. They got them?—Yes.

8774. And what do you say about that?—I would suggest that they should keep out a certain limit from the shore.

8775. How far?—Three miles, I would say.

Mr. Gwynn.

8781. And what would they do with the mackerel inside three miles?—Well, I expect that they don't get such a quantity of them inside that line.

Mr. Justice Barr.

8782. Are those trawlers local boats, or do they come from a distance?—Well, they come from a distance.

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MR. WILLIAM P. SORRE—continued.

[WATERVILLE.]

Mr. Justice Ross—continued.

some from Ashlow and some from Dingle. These are boats that use four men, and, as regards the damage they do, I would not say it would be much.

8783. Have you any other suggestion to make?—I would suggest that in the case of the purchasing of salmon the people who purchase salmon should be licensed or registered, because there is constantly a large number of fish being sold that has been poached—sold locally, from house to house.

8784. Any ordinary shopkeeper, you think?—Any ordinary shopkeeper, or any person.

Mr. Caidenned.

8785. You would like them to have a game dealer's licence?—I would like a game dealer's licence, two or three pounds, or whatever it is.

Mr. Justice Ross.

8786. And that the amount of the licence should go to the local funds?—Yes, I suggest that.

8787. Is there anything else that you would suggest?—As regards the protection of the river, as our Inspector has already informed you, we could increase the number of bailiffs with advantage if we had the necessary funds.

8788. Or would you get the police?—Oh, yes, if we could get the police that would be much better.

8789. Does anything else occur to you?—No.

Mr. Caidenned.

8790. We haven't heard anything about the weir. You manage a weir also. Is that a fishing weir?—Yes, sir.

8791. Can you describe it to me?—Well, the fish, of course, go into the weir.

8792. Is it a fishing weir with a killing hatch?—Yes, the fish come into the weir, and, of course, they can't get out of it then. I could hardly describe it.

8793. Is it built?—Yes.

Mr. Caidenned—continued.

8794. With an opening in it?—Yes, and it is a regular V shape, and the fish come in between, and, of course, once they go in the water prevents them from going out, and—

8795. Is that open the whole season?—No; from the 1st of January to the 15th of July.

8796. Where is it situated?—Waterville, on the mouth of the river.

8797. The mouth of the river Waterville?—Yes; about 60 yards up from the mouth of the sea.

Dr. Mahaffy.

8798. It is very valuable. On the 1st of January do you get many fish, now?—Well, at times. Some years, of course, it is better than others.

8799. How many would you get in the month of January on an average?—Perhaps we might get 100.

8800. And the price is very high then?—Well, the prices are not so high, on account of the foreign stuff coming in from Norway and those places.

8801. How much a pound would the price be?—It averages from 4s. to 5s., or 6s. 6d. a pound at the start, and then of course it drops.

Mr. Caidenned.

8802. Is there a gap in the weir?—There is no gap.

8803. I thought that was a necessity?—No; the arrangements are from noon on Monday to midnight on Friday the weir is closed, and then from midnight on Friday to noon on Monday it is closed down, or, at least, it is closed up, and the fish can pass through.

8804. An extra day in the weekly close time. And is that a legal arrangement?—I believe it is, for centuries, at least, that is, long before my time.

Mr. Justice Ross.

8805. It is recognised by the Fishery Board?—Yes.

MR. CONSTANCE O'SHEA, examined.

Mr. Justice Ross.

8806. What are you?—A fisherman.

8807. Working in the open sea?—Yes.

8808. Are you one of those men that work the seine nets?—Yes, sir.

8809. Is the fish getting better or worse?—No, it is falling.

8810. To what do you attribute the falling?—To poaching and neglect of protection, poaching in the fresh water in the spawning grounds.

Dr. Mahaffy.

8811. Not too many nets?—Not at all too many nets, but to poaching.

Mr. Justice Ross.

8812. A suggestion has been made to us about protection and protection depends on money. It has been suggested that the licence should be raised, that your licence of £3 in the bay should be raised to £4. Do you think they would mind that if they got additional protection?—Oh, of course not, if the fishing was improved.

8813. The men would understand that?—Yes.

8814. And they would be quite willing to pay?—Oh, of course when there is nothing to be had and the fishing doesn't pay at all.

8815. Do you do anything else but fish?—Generally fishing.

8816. Have you any other employment?—I have our mackerel fishing.

8817. What amount of your time?—Oh, always engaged at fishing.

8818. And during a certain time you come in for the salmon fishing?—Yes.

8819. But mackerel fishing is really the thing that keeps you going?—Yes.

8820. Now, when you are fishing for mackerel do you catch many white trout?—Well, yes, in the spring-time of the year, any amount of them.

Mr. Justice Ross—continued.

8821. You couldn't help it?—No. I believe myself that it has a great deal to do with the destruction of the fish.

8822. Nothing in the spring time of the year?—Oh, yes, we bring them in. Of course we can't help them. We do away with them the best way we can.

8823. Do you get much for those white trout?—Well, just as much as we can.

8824. But how much is that?—Well, to sell them at 6d. each and sometimes 3d. and 4d.; sometimes 1s., according to size, we ask.

8825. And you get a good deal out of them?—Yes, and sometimes we have 50 and 100 caught in the nets, sometimes one or two.

8826. Would there be any objection to paying a small sum in proportion to the number of those fish that you catch?—Well, I don't know. They wouldn't pay that. There is a big fishing fleet on the coast in the springtime fishing for mackerel, and each boat's nets are two and three miles long.

8827. They are trawlers?—No, they are not trawlers at all. I mean the mackerel drift nets on the surface of the water, fishing for mackerel.

8828. I think you don't take any salmon?—We might, a very odd one, a salmon by chance landed in it, but very seldom.

8829. You say the fishing is getting worse?—Worse.

8830. You, as a practical man, have been thinking over this. Is there anything that you can suggest to us that would assist the fishing generally?—Well, I know that there is, where I am fishing, if the river was protected in the close season. Some of them get caught by the mackerel nets and more of them escape, but when the fish go to spawn in our river there is scarcely any chance for them.

Mr. Guyon.

8831. What river is that?—The river Firtha. Of course there is a bullfinch there, but he has only a couple of pounds, and it isn't worth his while to go for that, and the only protection here is the police.

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Mr. CHARLES O'SHEA—continued.

[WATERVILLE.]

Mr. Justice Ross.

8832. What can be done if you find that the feeling of the people is in favour of the poachers and when you find the people along the banks are afraid to interfere with them?—Well, we will have to let the fish off these altogether if it isn't protected. The way we suggest is that if there was a period of the year, limited right across the short river the fish couldn't scatter too much over this long river if there was a graving on that, and they would stop there during the spawning season, two or three months, and then after all were thoroughly protected during those they would spawn. That would give them a good chance of spawning, and you could take the graving away during the six months of summer if you liked.

8833. And once they go up they never come down?—Yes.

Dr. Mahaffy.

8834. Don't you know that if you meddle with the habits of fish or any other thing you may spoil the whole game? It is natural for the fish to go up, and then if you stopped them you might do more harm than good?—Yes, but it is a long distance.

Mr. Justice Ross.

8835. You would like to see it tried at all events?—Yes, to have it experimented.

8836. Have you any other suggestions?—No, except to get more hulkies. The way we suggested is if there were blocks of concrete or something put in the centre of the river, these blocks would stop them from netting and dragging these pools for the black fish.

8837. Blocks of concrete?—Yes, something staked in the centre of these pools.

8838. Even stakes?—Yes, I think that would be a good idea. Some of them have poles and they go at the end of the pool and put this net across there, they then go to the top of the pool and drive the fish down with spears and stones.

8839. Is there anything else you have to suggest?—That is all.

Mr. Guyon.

8840. In the west of Ireland there is a place where the men salmon-fishing in the sea like yourself found that the fish were being destroyed in the spawning water, and what they did there was this. They offered to act on behalf themselves and they got a compensation for it. Would you now be willing to try their hand at that?—Well, I couldn't afford to give my time unless I was properly paid, and I live too far away from the spawning-grounds.

8841. How far?—About five miles.

Dr. Mahaffy.

8842. I think you are hardly enough?—I think I am, if I were near enough to the poachers.

Mr. DEWEY CHAMBERLAIN, examined.

Mr. Justice Ross.

8843. Are you a fisherman?—No, sir, I am not.

8844. What are you?—One of the tenant proprietors. I am a farmer. I live in the midst of the poaching business.

8845. And when you bought your land whose tenant was you?—Bernard Monaghan of Killinney.

8846. And when did you buy, was it under the Act of 1905 or the earlier Acts?—Two and a-half years ago.

8847. And did you get the fishing rights for the first time?—Yes, sir.

8848. Can you tell me what is the length of your land that abuts on the river?—It is only about 160 yards.

8849. Is there a good pool there?—There is, at one point of it.

8850. How do you use the fishing, do you use it yourself or let it?—I do a little myself with the lad.

8851. And you have never thought of letting it to anybody?—No.

Mr. Guyon.

8843. You think only a Carnaughtman would do the like of that?—Oh, it would be hard enough to do the like of that.

8844. You say there is only one hulkie on it, and the spawning hulkies living up in the manorise themselves would be afraid to interfere with poachers, but you, men that are living down by the sea, would not mind doing that?—If they were not well paid they would not fall out with their neighbours for two pounds, but if they got anything that was worth while they would.

8845. Do you think anything could be done by trying to entice sea net men as hulkies for the clean season months, or some of them?—I know very well there would be no people more interested to protect, but it would not pay them. It wouldn't pay for me to know altogether.

8846. How much would it take to pay the men for three months?—It would want about £15 for three months.

Dr. Mahaffy.

8847. They would make a profit out of the better net fishing in the long run. They would catch more fish?—Oh, yes, they would catch more than mackerel fishing, because some weeks with mackerel you would get nothing, and other weeks £5 or £6 or £7 or £8 a man sometimes.

Mr. Guyon.

8848. It is by crews and companies you fish?—No; we have a licensed net between ourselves, the four of us.

8849. Four of you?—Yes.

8850. A seine net?—Yes.

8851. And you pay the licence, amongst you for the seine net; but if the company were left to watch the water and the payment was made to the four of you, couldn't you divide it among yourselves?—Oh, quite so, we could; and the fishing has been so bad; and very few of them just taking an interest in it at all at present.

8852. They are completely disgusted with it?—There were six licences at one time and now there are only two, and if the salmon fishing does not improve there will be none next year.

Dr. Mahaffy.

8853. And they will do it all without a licence?—I suppose they will have it all for poachers and no licence. I have a suggestion. In the spawning season if the river was barred across they could get a portion of the salmon and they could bring them to the hatchery at Waterville. They could be protected in some way in the pools of the river or else they could be scattered in a long distance of the river and it could be worth while protecting them in that way, and if a portion was also netted and brought to the hatchery the fry could be distributed in the river afterwards.

Mr. Justice Ross—continued.

8853. And you have never got an offer for it?—No, sir.

8854. From the hulkies?—No; nor any of the other tenants.

8855. There is no tenant taking any interest in it?—No, sir.

8856. The tenants that are living about you?—Yes, sir.

8857. How much of the river frontage is in the hands of the tenants?—About three and a-half miles.

8858. Is that on both sides?—Yes, on both sides.

8859. Is none of that let at all?—No, sir.

8860. To anglers or anybody?—No, sir.

8861. Is it netted by anybody?—Yes, there are nets on it.

Mr. Green.

8862. What river is it?—The Potha.

8863. At Cahireen?—Beyond Cahireen.

12th September, 1911.]

MR. DAVID CURRAN—continued.

[WATERVILLE.]

Mr. Justice Ross.

8874. I believe there is very considerable poaching there?—There certainly is, I think.

8875. Is the river destroyed?—Almost.

8876. Is it poisoned?—No, sir. I never hear of it being poisoned.

8877. All the poaching is done with nets?—Yes, nets and spears.

8878. Would there be any chance of getting the tenants to combine amongst themselves to put that down?—There ought to be.

8879. But they haven't realized yet that it is a very valuable thing that they are destroying?—No, they have not. I know two-thirds of them and more would be well pleased if they got anything for the saving of the fishery—if it was in the hands, for instance, of the Board of Fisheries.

8880. Do you think the majority would be in favour of saving the fishery if they could?—I know they would. I am sure of it.

8881. Do you know whether in any instance the young men, the sons of the farmers themselves, poach?—Yes.

8882. Are there any poachers that come from a distance?—No.

8883. All the poaching is done locally?—It is.

Dr. Mahaffy.

8884. Do any of them come out of the town of Cahirciveen and poach?—Witness—And go up to poach on it?

8885. Yes?—No, sir.

Mr. Justice Ross.

8886. And supposing that the fishing was taken up for the three miles, and a substantial amount put for it, there would then possibly be a great difficulty in deciding what proportion should be given to each man. A man, for instance, with a small fringe and good pool would claim a great deal?—Yes.

8887. And a man with a long river fringe would say "I have a fringe five times as long as you"?—I understand.

8888. Do you know how the money would be distributed?—I think if a surveyor went on it.

8889. Some man of intelligence. You think yourself they would agree to that?—Yes. They are the most valuable people we have in this whole district.

8890. Do you remember the time when there was a great deal of fish in this river?—I do, sir.

8891. How long ago is that?—About 21 or 22 years ago. I must admit that I was poaching myself when I was a young lad, and there was a great number of fish. There is now the greatest change, and it is poached regularly, and I fancy there is not a better bit of a river in Ireland, if I got any chance.

8892. This is a very interesting fishing, Mr. Curran?—Yes.

8893. Can you make any suggestion that we can consider, for improving it and doing something for it—have you anything in your mind?—What I have in my mind that I would suggest is that a gaiting might be put below them about four miles, leaving two miles behind of the spawning, because there most of them spawn. There is a bridge goes over and then there is a branch of the public road leading across this, and a patrol of police would be quite enough to stop poaching.

8894. How many do you think? Witness—Of police?

8895. Yes?—I am mostly certain that if there were two police a few nights in the week or any man in charge of it they would stop it. And then the gaiting. The river from that up towards. It has a lot of branches, and some of the fish go up there.

Dr. Mahaffy.

8896. If these people poach as much as they like, why do they take the fish out of season—can't they get good fish in season?—They don't mind much. They can't realize it. They take the salmon as they come. They take them into the town and get 6d. or 7d. a pound for them.

8897. For the spotted fish?—Yes, for the spotted fish.

Dr. Mahaffy—continued.

8898. You think 12 out of 18 of your people there would like to see preservation?—I am sure of it, even young and old.

8899. What about the other third—what do they want, do those fellows want to poach?—What I meant is that there are a few whose sons are poaching, and I think it would be impossible to stop them unless steps as the way of preservation were taken.

8900. They all see the advantage of the fishery, and want to have the thing preserved, and yet will not take steps to persuade their neighbours?—Well, the whole of the farmers would be anxious, I know, to preserve. I am sure the whole of the farmers would.

Mr. Guyon.

8901. You remember the river when you were young?—Yes.

8902. Was there so much poaching on it then as there is now?—They were not so well up in poaching as they are at present. There were only the spear and torch then.

8903. That was all you used yourself?—Yes, the spear and torch, and now they have more plans and more ways for the taking out of the fish.

Dr. Mahaffy.

8904. And they didn't poison?—No, sir, I never heard that it was poisoned.

Mr. Guyon.

8905. Do you think that when you were young—that was in the time when you hadn't a vent fixed, I suspect?—Yes.

8906. When you got a vent fixed that put it out of your mind?—It did, and I stopped poaching.

8907. If you were caught poaching when you were young you would be convicted?—No, no, sir. My landlord would do me a little influence if he could to get me out of the line.

8908. In parts of Ireland they say there is more poaching now, because in former times if a man was caught poaching he would be liable to be executed, and that stopped the poaching more than a fine?—That was not the case in this district.

Mr. Green.

8909. Poaching on that river seems to have increased about the same time as the railway was opened into Cahirciveen?—That is quite the same time.

8910. And the facilities for sending the fish away I suppose had something to do with it?—Yes, sir.

Dr. Mahaffy.

8911. They got a better price?—Yes, they sent it away by the train.

8912. I suppose you see all Catholics, see you not?—Yes.

Mr. Justice Ross.

8913. And do the clergy ever point out to the people the great mistake that is caused by this poaching?—Well, I don't remember, but I know we have a curate at present who is a great singer, and I was speaking to him on a couple of occasions, and he was wild over the poaching.

Mr. Guyon.

8914. Are those tenants that you are talking about rich men, those tenants that have the farms?—No, they are all poor men.

8915. If they are able to get a pound a-piece out of letting the river, would that be some consideration to them? Witness—A pound a year?

8916. A pound a year for each man that was on it—would that be any consideration to them?—I think they would be very well pleased with that.

8917. They are not so rich that they wouldn't value a pound one way or other?—I think they would be very well pleased if they could get a pound each.

Mr. Justice Bam.

8918. Thank you, Mr. Curran. Personally I have found your evidence very interesting.

15th September, 1911.]

Mr. PATRICK CONNOR, examined.

[WATERVILLE.]

Mr. Justice Ross.

8919. Are you a farmer or fisherman?—No, sir, I am only a tenant-purchaser.

8920. On what river do you live?—The river Inny, down at Killoanlough.

8921. What else is your river fringed?—It has a very fair fringe next the river Inny, and the Keshfeshane river, flowing into the Inny.

8922. Who was the landlord from whom you purchased?—Rowland Percosity Blinnhamett.

8923. How long is it since you purchased?—1908.

8924. And did you get the fishing rights along with your farm?—I did, sir.

8925. What use do you make of your fishing rights?—Make no use of it, only just the same as before we had it purchased at all.

8926. Why—are there not plenty of fish in the river?—There is, but how can we fish them without a licence, and how can we get a licence?

8927. Can you not let it to somebody?—I can, or some other way perhaps.

8928. Have you got any offer for your fishing?—No, there was no offer for that.

8929. No offer from a hotel keeper?—No, sir.

Mr. Gwynn.

8930. Why could you not get a licence?—I applied for a licence and I couldn't get it.

Dr. Mahaffy.

8931. You wanted a net licence?—Yes, sir.

8932. That is what you wanted?—Yes, sir.

8933. I am glad that they refused that to you?—Oh, they did, not to me, but —

Mr. Justice Ross.

8934. Do you fish it in any other way now?—No other way in the world, and the fishing is going waste.

8935. Are there many of your neighbours along-side of you that have purchased?—There are a good many on a long tract of the river. All the tenants of Blinnhamett have purchased.

8936. Is that on one side?—I have both sides of the river.

8937. And are all your neighbours, so far as you know, in the same position as you are yourself, that is, they have not used the fishing at all?—About the same way. They have no use of it.

8938. And have they let it to anybody?—They would if they could, but there are people coming and fishing it, and strangers and rich people, and we drive them away, and still we are not getting any compensation.

8939. Rich people coming to fish?—English people, with motor cars, and —

Dr. Mahaffy.

8940. Did you ever hear of the dog in the manger? You drive them away and you get nothing?—I get nothing.

Mr. JOHN BELARAY, examined.

Mr. Justice Ross.

8941. Are you a farmer?—Yes, sir.

8942. What river do you live beside?—I am a bailiff.

8943. How long have you been a bailiff?—Since last July.

8944. What river do you work on?—I am working down the river.

8945. Have you caught any poachers?—No, sir.

8946. Did you ever see any?—No, sir. Oh, yes, sir.

Often I did, but not since I am a bailiff.

8947. You saw them before?—Yes.

8948. And since you became a bailiff has your poachers frightened them away?—Yes, sir.

8949. Now, do you think if there were many more valiant men like you the fish would be well protected?—I don't know. I think it is very hard to get them, anyway.

8950. How much ground have you to go over?—Up to a couple of miles, sir.

8951. Has there been any poisoning on that part of the river since you were there?—No, sir, but they do be poisoning.

Mr. Justice Ross.

8941. And do nothing. That is foolish business. You have got a valuable thing there, and you will not take the value of it or use it yourself. Have you thought what is to be done?—We would have got our hands in last only for getting the rights of fishing. We would have got it for less if we had left the fishing to the landlord.

8942. Before you agreed to buy you hadn't leave to fish?—Just indeed, but we hope to have something later on out of it.

8943. Now that you have it you say that you are making nothing out of it. Can you not meet together and talk over it at a sensible room, and see whether you can combine to let it to somebody. There is no one or preservation of it, and why don't you start a meeting of your friends along the river to consider it?—We would be willing to give any help we possibly could to preserve the river by having some compensation ourselves out of our rights.

8944. It would be very easy to get some compensation out of your rights. What is the amount of your instalment at present?—20 lb. yearly.

8945. And supposing that a man of your size could make a pound a year out of the fishing on the river by combining together, wouldn't that be an object to you?—A pound a year would be a very trifling thing for the fishing of that river.

Dr. Mahaffy.

8946. But you are getting nothing now?—But if we are not we may hereafter. A pound a year is nothing at all.

8947. How much would you expect?—I couldn't say that.

Mr. Justice Ross.

8948. I say quite openly you have got your eye on the net?—I am not thinking of anything at all, but we thought as we got the right of fishing we would have facilities for fishing, and then, as we didn't, we gave it over.

Dr. Mahaffy.

8949. If you had a net and trawled the river in front of your own farm you would kill all the fish in a couple of years, and you wouldn't have any more fish?—Well, as we didn't get it, we are out of it.

Mr. Gwynn.

8950. How many tenants on the property would there be?—Oh, there are four tenants on that townland, and there on the next, and so on all along. There are different townlands all along the river.

8951. Would there be as many as 20 or 30?—I think there would be, and more.

Mr. Justice Ross—continued.

8952. Who has been getting it?—Oh, I don't know, sir; I couldn't tell.

Dr. Mahaffy.

8953. You were never a bailiff before?—I was, sir.

8954. When you were a young man?—Yes, sir.

8955. Long ago?—About 15 or 16 years ago, sir.

8956. On the same river?—Yes, sir. I think the only way would be, to preserve it, if there was an agreement made with those that purchased their lands, and they would act together.

Mr. Gwynn.

8957. What sort of an agreement?—Oh, I couldn't tell what they would be satisfied to get.

Mr. Gwynn.

8958. Is this on the Inny river?—Oh, yes, sir, the Inny river.

15th September, 1911.]

MR. PATRICK CAGNEY, examined.

[WATERVILLE.]

Mr. Justice Ross.

8970. What are you, Mr. Cagney?—I am a tenant poacher.

8971. On what river are you?—The river Inny.

8972. And whom did you buy from?—Mr. Daniel O'Connell.

8973. Are you close to the last witness?—I am next to him.

8974. And is the fishing absolutely unmade there, as he has described?—It is, sir.

8975. Is there any effort made among you, or can no effort be made among you all to combine?—I suppose except you put on a larger stock of bullets and police. It is by night it is generally poached.

8976. Why do you, a man of your size and strength, allow anyone to come and poach your water?—There would be a large staff of poachers, and they come at night.

8977. And they are no money?—Yes.

8978. And do they come masked?—Yes.

8979. And armed?—Yes, sir.

8980. So it would require the Constabulary force to put them down?—Yes, indeed.

Dr. Mahaffy.

8981. Do you drive off visitors when they come to fish your place?—No, sir; my part of the fishing is let to Mr. McElligott.

Mr. Justice Ross.

8982. You let your fishing?—Yes, sir, this year and last year.

8983. How much do you make out of your fishing?—It is not much. I think it would be a good deal more if it was preserved.

8984. Did you get a rent from Mr. McElligott?—Yes, sir.

MR. PATRICK HALLIDAY, examined.

Mr. Justice Ross.

8985. Are you a farmer?—A farmer, and I have the fishing rights.

8986. Who was your landlord?—Brennerhausen.

8987. What river?—The Inny.

8988. How far a large river frontage?—I have.

8989. How long is your river frontage?—I think it is about 80 perches.

8990. Is there a good pool on it?—Yes, two pools.

8991. For salmon?—Yes.

8992. Do you know anything about fishing yourself?—No, nothing at all, sir.

8993. You hadn't fished before you bought the holding?—No.

8994. And now you have the fishing?—I have the fishing.

8995. And what use are you making of that fishing?—have you let it to anybody?—Nothing at all, sir.

8996. It is of no use to you?—No use at the world. I haven't got a halfpenny from it.

8997. If that fishing was taken up and made of use, and you got something for it, would you be very pleased?—I would, I think.

8998. And are there many other people like you there?—There are 11 whose lands join one side of the river. It was Mr. Brennerhausen's property.

8999. Do any of these 11 let their fishing?—Not one of them I know, and never bring a halfpenny out of it.

9000. And it is going to lose?—It is going to lose.

9001. And is there continual poaching?—Oh, there is poaching every carried on about there.

9002. Are there many good pools on that?—There are, sir.

MR. MAURICE BARRILEY, examined.

Mr. Justice Ross.

9004. Are you a farmer?—Yes, sir.

9005. What river do you reside near?—The Inny river.

9006. How far away from the last witness, Mr. Halliday?—I live about a mile beyond his place.

Mr. Justice Ross—continued.

9007. And are there any others who have let their fishing to Mr. McElligott?—I don't think so.

9008. Is there any objection to say how much you got?—There is not. He gave me £2 10s., and if it was better preserved he would give me more.

9009. And you have an interest in having it preserved?—Yes.

9010. And you would help if you could?—Yes.

9011. But with these men coming it is impossible?—It is impossible.

Dr. Mahaffy.

9012. Would you deal with a rough poacher if you saw him there, if he came by himself?—But there is no poaching at all by day. It is only poached by night, and we don't know who is poaching at night. I suppose it is a lot of men.

Mr. Justice Ross.

9013. Have you seen gangs of men coming up?—I don't know who. The poachers have purses nets.

Mr. Guyann.

9014. Were there any salmon killed this year on your holding at all?—There is not much fishing on the river at all, because the water is very low.

Mr. Green.

9015. Did you hear that witness Sullivan, who spoke of the difficulty they had in agreeing among themselves to let the fishing?

Mr. Patrick Connell.—I know nothing at all about that man, sir.

9016. But there are some of the tenants up there who have not yet agreed among themselves what they will do with the fishing?—Yes, sir.

Mr. Justice Ross—continued.

9017. And do poachers come to this place?—They come very often.

9018. And you are not able among you to get up any resistance to them?—I never met any of them to look after it at night.

9019. Nobody looks after it?—No.

9020. They come and go as they please?—They come from outside the parish.

9021. And nobody is ever prosecuted?—No.

9022. But down there you ought to have somebody with much enough amongst you to prosecute them?—wouldn't you know them?—It is by night they mostly come, I think.

9023. Surely they could be recognised?—I think if there was protection enough they would.

9024. How far are you away from a police barracks?—I am about nine miles. Waterville is the nearest police barracks.

9025. Then you are in a bad way. And you have no suggestions to make?—No.

Mr. Guyann.

9026. Supposing you had this fishing let for the whole 11 altogether, supposing some man would pay you a good rent for it, would you be able to protect it yourselves then from the poachers?—It could not be over to do it. It is done by night.

9027. And, of course, you wouldn't be looking for the police to help you, wouldn't there be enough of you to put them off the water?—They are with nets, and they cover every yard of it by night, and there would be nobody to protect it by night at all.

Mr. Justice Ross—continued.

9028. What sized river frontage have you got?—I suppose about three-quarters of a mile it would be.

9029. Are there good pools on it?—There are three good pools, sir.

9030. Have you ever fished yourself?—No, sir.

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Mr. MARSHALL KIMBLE—continued.

[WATERFALL.]

Mr. Justice Ross—continued.

9030. You have never taken any interest in the fishing?—No, sir.

9031. But you know this used to be a good river?—I do, sir.

9032. And would be a good river if it was properly managed?—If it was properly preserved.

9033. And do you suffer from the poaching?—Oh, I think every person suffers that has his fishing rights.

9034. And they come on your land and come on the pools with nets and poach those pools?—They do, sir. They spear the pools at night, and that is in the close season.

9035. And you see the men?—I often did.

9036. And nobody goes out to interfere?—Only Mr. Blower and the police are out there during the close season.

Mr. Justice Ross—continued.

9037. And if they are not there you won't protect yourselves?—They haven't the balls to help.

9038. Do you not know when these gangs are coming up?—No, sir.

9039. Did you ever see them coming?—No, they come in disguise.

9040. Do you see them going?—Persons going to fish there don't care about interfering with them.

Dr. McKeefy.

9041. If anybody comes to fish in the day with a rod do you stop them?—In future, I will.

9042. You wouldn't stop a stranger from fishing with a rod?—Yes, sir.

Mr. JAMES SHEA, examined.

Mr. Justice Ross.

9043. Are you a farmer?—Yes.

9044. Where is your farm?—At Killeenleigh.

9045. What river is that on?—On the river Inny, about six miles from here.

9046. Are you far away from the other witnesses?—We are all in the same locality.

9047. Have you considerable river frontage?—About 1,000 yards or so.

9048. You bought from the same landlord?—Yes, sir.

9049. And got the fishing rights?—Yes, sir.

9050. And are there any pools opposite your farm?—There are two good pools.

9051. And have you ever fished yourself?—No, sir, never.

9052. But you know these are good pools?—I know that.

9053. Are they frequented by poachers?—Yes, very often.

9054. How many times in the season would poachers be on these pools?—Well, it is very hard to tell, because they are very often poached without a light at all, so you understand.

9055. Yes, I do. And sometimes with lights?—Not this time of the year, because this time of the year, sir, they don't need any lights.

9056. Do you know where these men come from?—Oh, it is very hard to tell.

9057. Did you ever recognise any of these men yourself?—No. Well, I told a lie there because often I saw it on the night time, so if there were poachers in the day time I would surely recognise them because I would be round the place.

9058. And you have never prosecuted?—I didn't, because they were never there during the day.

9059. How many would the whole population be who are interested in the protection of their fishing?—Witness.—Of the poachers?

9060. What is the number of the people in the locality that suffer from this poaching, and people going on their land at night poaching in these pools?—I might make a rough guess; there are six townlands, and there are on the average something about seven tenants on each townland.

9061. That are trampled on by these poachers?—Oh, yes, sir.

9062. Are they people of strong sense and all that kind of thing?—Witness.—Do you mean the tenants?

9063. Yes?—Some of them, not all.

9064. And among them all is it not discreditable that they haven't the courage to prevent these poachers?—Witness.—Why should they have it, excuse me?

9065. Put any question to me you like?—Now, we bought it there in 1908, and we purchased very dear simply to get the gaming and fishing rights.

9066. How many years' purchase did you give?—Twenty-three.

9067. On second term?—Yes.

9068. You got a reduction of something about 5s. in the pound?—Yes.

9069. On your second term rent?—Yes.

9070. Then you got the fishing rights for nothing, didn't you?—I don't say that, not altogether. We may

Mr. Justice Ross—continued.

prove it because we could have bought long ago provided we gave up the fishing rights, but after getting the fishing rights and game rights, what have we? Simply nothing.

Dr. McKeefy.

9071. What are the game rights worth?—They are nothing. It is only now we discover that.

9072. Did the gaming rights include grouse shooting?—Yes, the grouse shooting and woodcock, and so on.

Mr. Justice Ross.

9073. But if a man come trespassing on your farm and put cattle on your farm you wouldn't stand that, would you—a stranger, suppose?—I would provided he was worthy of it.

9074. I am putting the case of a trespasser who comes on your land and trespasses systematically?—Take the next door neighbour. Suppose he came on the ground with cattle, he may have done me a good turn already, and why should I stop him?

9075. But take the case of a stranger, a man you didn't know, who comes and takes up some of your ground and puts his cattle on it and grazes them in spite of you, would you stand that?—Oh, no, not at all.

9076. And why do you stand these people taking rights that you have purchased?—Simply because I don't take any interest in it.

9077. Is it not a valuable thing?—It is not from our point of view.

9078. Haven't you told us before that you considered it a valuable thing in the purchase, and that you paid something for it?—Yes, because we didn't understand it at that time.

9079. Don't you understand it now, that it is a very valuable thing to you and your country and your countrymen, and why is there not public spirit among you to do something to protect property of that value?

—If we would only get the rights to fish there we would be the only people to—

9080. That is to say, you haven't got them now?—Oh, not now.

9081. But you have got the fishing rights?—Witness.—What could we make of it? For if we did get the netting of it during the summer time, is there any person there that would protect that fish during the spawning season more than the tenants themselves.

9082. Well, but the use of nets would soon stop the fishing. Nets excessively used would soon stop all fishing in the river. Don't you know that rod-fishing coming up and paying for rod-fishing would be the long run to much better, and you could get a great deal more money out of it?—I don't know, sir. I have seen them come up to my place and they say, they come up from Mr. McKillop, and I put them right off again, and I tell them that he has no permission for them to come here, and I don't like to speak of Mr. McKillop now, he being inside in the room. They may be wrong. They might give him false information, but I just tell you what I say to some of these people here when they come up,

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MR. JAMES SHEN—continued.

[WATERVILLE.]

Mr. Justice Ross—continued.

9083. Why don't you all join and let your fishing to some of those people from the hotel, and then protect the fishing?—You are quite right as your own point, but what would the hotel people give?

9084. I am sure if you would undertake to keep off the poachers they would give you a good deal?—Well, I offered my peace, and I think the whole town-land was to be rented for really about £3 or £4 or £5, but it wouldn't be got. They said it wasn't worth it. But a gentleman came up the other day and he said he would give £5 for the shooting alone. Well, now, how do you expect us to give that to one of those hotel keepers? They are all making a living, and so are we, or trying to do so.

Dr. Mahaffy.

9085. Now you get nothing, and you turn off a stranger that would give something for it?—Excuse me, if there was no profit to be made, do you think for a moment you would see one of those hotel proprietors coming over here.

Mr. Justice Ross.

9086. Have you been in America?—I have, sir.

Dr. Mahaffy.

9087. How long were you in America? I was eight years.

9088. Are you going back again?—Not for a while anyway.

9089. Do you mean you are not going back again?—That is my intention at the present time.

Mr. Gwynn.

9090. I should like to know exactly what the trouble is about this. You say that you have got the fishing rights and your neighbours have got the fishing rights of this river and the shooting rights of the mountain?—Yes, sir.

9091. And you don't propose to fish the river yourselves with the rod or to shoot the mountain yourselves, do you?—No. I don't know there is anyone in the neighbourhood that cares about it.

9092. And so far as I understand you are not anxious to net the river?—Oh, not as far as my part is concerned, I don't care anything at all.

9093. Practically the whole difficulty is this, that you don't think you are getting a fair offer from the hotel proprietors?—Right, sir; that is the whole point.

9094. And you would accept the thing go by then except what you think is not a reasonable offer?—Of a fair offer, if a person got something reasonable. Of course, any person must admit that the business now around the place have had a hard time, and they stood up together and fought out for this, and they have got it; and what have they got for it to-day?

9095. But of course they will have to stand together if it is a question of letting their fishing rights and shooting rights?—Oh, pretty enough. You are perfectly right there.

9096. Now, let me put this to you, Mr. Shen. Is it your opinion that if you could get a fair offer for your sporting rights?—Absolutely, you farmers in this part of the world would be good enough men to protect the right that you had?—Undoubtedly, I am sure, or at least I would expect everyone to do that.

9097. All these other gentlemen that I have been asking told me that they didn't see how they could interfere with the poachers at all?—Well, so far as I can see, there is no man in the place, no matter if there were fifty policemen there—what are they? they are only in uniform, that's all—any farm is on both sides of the river. Either myself or my wife is there looking after it in the day, and do you suppose poachers will come while we are around? They will not.

9098. They don't come by day, they come by night. That is what we are being told, and I am anxious to get at the facts. What we are being told is that the business in that valley don't see their way to keep the poachers off, no matter whether they have the fishing lot or not?—They couldn't do it without protection at night time.

Mr. Gwynn—continued.

9099. How could you expect a man to pay you for the fishing if the man that lets the fishing will not guarantee that the river is not poached?—You can't do that. There is no man that you could expect to give a guarantee like that.

Dr. Mahaffy.

9100. That it is not worth much money. Why do you expect a big rent if poaching goes to at the same time?—There is no one in the world that would expect a man to keep down poaching like that without some other protection.

Mr. Gwynn.

9101. Now, as regards fishing rights of shooting rights, or anything that you might have to let?—Shooting is owned on by daytime. It is different from fishing.

9102. How could you expect a hotel proprietor to pay you a rent which you consider sufficient if he has also to pay money for having the river protected?—Well, I have just made a remark, because I was telling you about a gentleman that would give a great deal more for the place, and he was only expecting that they would protect it as much as possible.

9103. Why wouldn't you let it to him? Witness—To him or to the hotel proprietor?

9104. To the gentleman that made the offer?—Because we didn't think we were getting enough for the place.

9105. You want to be paid for an unprotected river as if it was a protected one?—We both have different ideas.

Mr. Green.

9106. If you once started protecting it, the value of it would be going up, and every year you would be getting a better and better rent for it, and you would make it a valuable thing if you all combined to put down poaching, and people would find out gradually that it was improving?—Quite right.

Mr. Gwynn.

9107. I think you might take it that the rent would go according to the number of the salmon that might be caught. If the salmon that might be caught in a year at that fishing would be, altogether, 20, the rent would be £20, and if the number of the salmon was 30, the rent would be £30; but if, at the present time, they can only get two salmon, I don't see the use of asking a rent of £20 or £30 for it?—I don't think they are expecting anything of the kind, sir.

Mr. Justice Ross.

9108. If the poachers found that you were a deter- mined body of men, determined to protect your own property, you would soon find that poaching ceased, owing to the determination of the people to keep these poachers off?—Oh, not at all, sir. Take 10 men during the spawning season in the upper portion of a river like the Boy, do you think any 20 would get these men out of the river?

9109. Our constable men would lighten them out of the river?—No, excuse me. Not at all. Do you think one policeman would keep fifty away?

9110. One policeman would keep fifty away?—I don't believe in that at all.

Mr. Green.

9111. Do you agree that these men mostly come from outside the parish?—A good deal of them do, I am sure. But Mr. Fitzgerald—and I am very sorry he is not in court, and I don't like to speak of a man who is not present—because he might say I was talking behind his back—he said there at the commencement that as far as the poisoning of the river was concerned that could be stopped. Well, I can't see how that could be stopped. Now, he was wrong, and I am very sorry to say it, in saying that it could be stopped by leaving compensation. It can not. You know, or

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Mr. JAMES SHERR—continued.

[WATERVILLE.]

Mr. Green—continued.

at least any idea of common sense, that any person could poison a river, and do it no matter how well it is protected.

Mr. Gwynn.

9112. A man is able to poison a river. He can put poison into the river, but can he get the fish out without being detected?—No, not at all. You are quite right there, but we are on two different points now altogether.

9113. Any person can poison for poisoning's sake, but the man is poisoning only to get the fish?—You

Mr. Gwynn—continued.

are quite right, but I am looking out for the tenant. Mr. Fitzgerald says poisoning will not be put down unless he knows the village.

Mr. Justice Ross.

9114. You say "We are quiet people living on the river, and have nothing to do with this. These people come from a distance, and we don't see why we are to be saved for those people?"—Yes, that is it. Do you suppose I am to stand out there at night and watch the river? A man wants a night's rest.

The Committee adjourned.

NINETEENTH PUBLIC SITTING.

MONDAY, 18TH SEPTEMBER, 1911.

AT 11 A.M.

At the Courthouse, Killorglin.

PRESENT:

Mr. W. S. GREEN, D.R. (in the Chair).*

Rev. JOHN DENTLAND MARSHALL, D.C., LL.D., C.V.O.
Mr. STEPHEN GWYNN, M.P.

Mr. W. L. CALDERWOOD, F.R.S.E.

Mr. S. H. LEE, Secretary.

Mr. J. HENNEY, examined.

Mr. Green.

9115. You are Clerk to the Killarney Board of Conservators?—Yes, sir.

9116. And you work the whole of the district under that Board, of which you have a sub-division?—I have two sub-divisions.

9117. What are they?—They are the Killorglin and Caragh Divisions, Division B and Division C; and then I reside in the centre, you may say, in the Division A.

9118. Then, do you work the business of the Caragh Division as well as of the Killarney Division—it will pass through your books?—I do the Killorglin Division. I do the work of the whole district, and the superintending of the baillies of the A Division. Then there is an inspector of the B Division and there is an inspector of the C Division for working them alone.

9119. And where do the Board of Conservators sit?—There are four general meetings held in Killorglin and two in Killarney each year.

9120. So that Killorglin is practically the centre of the district?—It is, sir, the centre.

9121. How many Conservators are there for the upper waters, and how many for the lower waters?—There are three elected conservators for the upper, and about six ex-officio.

9122. Give the elected ones. There are three elected?—There are three elected Conservators in the electoral division C, or Killarney District, and there are three for the electoral division B, or the Caragh District, and two for the electoral division A, the Killorglin or central district.

9123. How many represent the tidal water, and how many the fresh?—The five Conservators of the electoral division A represent the tidal portion.

9124. So there are five tidal to six fresh water?—Yes, sir.

9125. And how many ex-officio are there, about, who attend?—Well, the ex-officio, as a rule, attend very well.

Mr. Gwynn.

9126. How many are there in all of ex-officio?—About 20. Of course they vary in different years. Sometimes a magistrate won't take out a licence, and then he won't be a conservator.

Mr. Green.

9127. At your meetings how many of all sorts attend, on the average?—Well, generally, I should say, on the average, about seven, taking them all round.

9128. So that there is a fair attendance always?—Oh, yes, and I hardly ever have a meeting abortive for want of a quorum.

9129. Then you have two inspectors of water baillies?—Yes, sir.

9130. One for the Caragh Division?—And one for the Killarney, or C Division.

9131. And you look after the tidal part yourself?—Yes, sir, I do the Killorglin work.

9132. How many baillies have you employed in the open season and in the close season?—Well, I am sorry I did not anticipate the question of the Committee. I can give it to you accurately, but I suppose in the close season there are, I should say, something about 60, from 60 to 70.

9133. Now, I must ask you about the condition of your funds. What is your balance sheet?—Well, I have put down a few points here that I propose to read for the Committee.

9134. That is the best thing to do?—I have, as far as I could, confined myself to the questions put by the Committee. Now, as regards Question No. 1, "What effects the transfer of riparian lands to tenant purchasers have had on the fisheries, and how the tenants are using their newly acquired fishing rights?", there are only a few tenant purchasers in this district who have as yet acquired their fishing rights. The only one I can see they are making of these new rights is that they are putting an increased killing value on their fisheries. Question No. 2, "What is best to be done to preserve and develop the fisheries under these new conditions?" I think the best thing to be done is to leave the owners to themselves. Where, say, two, three or four farmers acquire another and then land about on a fishing river, to half of which they have acquired the right, they know very well how to preserve it, and look upon any outside interference with suspicion. I have been speaking to some of them on that subject, and they told me that of course they would preserve their fishery if they were making anything out of it. That is what they said—"if we were making anything out of it." I asked if they found parties poisoning

*On resuming after break up (23), Mr. W. S. Green withdrew, and Mr. Marshall took the chair.

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Mr. J. HENRY—continued.

[REMARKS.]

Mr. Green—continued.

their portion of the river, or blowing it up with dynamite, would they prosecute the offenders before the magistrates, or give evidence against them if I prosecuted them, and the answer I got was, No. As to developing the fisheries, I cannot see that they have any means of doing so. Question No. 3 is "What arrangements can be suggested with a view to giving tenant purchasers an interest in preserving and developing the fisheries?" It might be well to supply these people with a leaflet, say, from the Department, giving the names of papers such as the *Fishing Gazette*, *The Field*, and the *Fish Trades' Gazette*, where they could advertise their fisheries and come to terms with anglers. Then, if they succeeded in getting some anglers from time to time, who would probably reside, say, for a fortnight in their houses, as is done in a few instances in this district, it would give them a practical interest in preserving the fisheries. No. 4 is

"What part the Board of Conservators could take in this preservation and development, and how far their resources are adequate for the purpose?" I think all net fishing, in fact all fishing except single rod and line, should be stopped on the 1st of July in each year in the fresh water portions of all rivers and lakes in Ireland. When salmon spend even only a few days in the fresh water they lose the curd, and begin to get lanky and discoloured, and lessened in value as an article of food, whereas this would provide a more plentiful supply to the angler, and those that would occupy him would make good sportmen. I would respect all customary existing rights of fishing, but I would not allow any new fisheries, with nets or otherwise, to be established without a licence from the Inspector of fisheries, of course, excepting rod and line. I mean by that that where a man had secured a right under the new law, and where a net was never fished before, I would not allow him to put a new one on the fishing. There are nets enough already. The practical preservation is necessary in the tributary rivers and spawning beds in the winter time, and to this the Kilmoney Board devote most of their funds. It is hopeless to expect fishery owners or others along the banks of these rivers and streams to take any interest in their preservation. Their idea seems to be that they never expect to see a white fish, and can only get a black one. Owing to the increase in wages which have now to be paid to water bailiffs (in some instances double) compared with 15 years ago, the funds of the Board are totally inadequate to carry on the business of the district. Take, for instance, last year, 1910, the total revenue from licences, fines, sales, and rates amounted to £226 10s. 4d., while the payments during the same year were £765 5s. 1d. The Board of Conservators could not meet its liabilities were it not for £100 locally subscribed, supplemented by £200 from the Department. The next question, No. 5, is "How poaching might be more effectively prevented." Well, a considerable number of people interested in the supply of clean fish advocate the gutting of the fish, say, about two miles above the main river, so as to prevent the spawners from ascending to the mountain streams where they are likely to be killed by poachers, and so compel them to make their waters between the gutting and the main river, where they could be properly protected. Apart from the difficulties which would beset such a course, I think it would not be wise, and this was the opinion of a majority of the witnesses examined at the Vice-regal Commission some time ago, including the late Mr. James Butler of Waterville, a gentleman who had a large experience on this subject. I had the opportunity, when I was supplied with the Blue-book from the Vice-regal Commission, to consult on at that point the witnesses who were for gutting and the witnesses who were against it, and I found that there was a majority against it.

Dr. Mahaffy.

9132. When experiments have been made you can tell. They were only guessing what would be the case?—Well, the principal view that the witnesses took was that the spawning fish should get the largest range they could, and that if you compelled them to spawn in a small stretch of the river it would be injurious to them. The principal dependence for the prevention of poaching is to rely on the police in their various

Dr. Mahaffy—continued.

localities; and, in this connection, I think the existing system of rewarding them for detecting breaches of the Fishery Laws from a general Fishery Fund is not popular with the men or satisfactory to Boards of Conservators. When a Board makes a grant of, say, £5 to two police for keeping poachers to justice, I think that money should reach the two men concerned, and be divided between them in such proportion as their authorities would see fit. Furthermore, I think it would be well if the Committee would give expression to their opinion that where a policeman shows detective ability and zeal in a case under the Fishery Laws he should receive a favourable record from the Inspector General, the same as if he was successful in hunting up a robber or a murderer. His success in catching the poacher shows the good policeman, and I presume one Act on the Statute Book has the importance as well as another.

Mr. Green.

9133. Now, I wish to ask two questions about the tenant purchases. To what extent has tenant purchase proceeded on the rivers that you have charge of?—I think there are not more than 12 or 15 already, and they are on the river Laine.

9137. They are all on the river Laine?—Up along here. Lord Rossmore owns the river Minto and the Beaura Plank, and the tenants there have purchased, but they have not secured the fishing rights. He has reserved the fishing rights. I was speaking to some of them, and they told me that if they got the fishing rights, which they were holding out for but would not get, they would amend the fishing. That is a bad plan for poisoning and dynamiting and so on.

Mr. Gwyn.

9138. Did they say they would go so far as to persecute?—They said they would not go into court to give evidence.

Mr. Green.

9139. They would give a poacher a bad time if they found him there?—Yes, exactly. They would do their best to prevent a man from throwing line into the river, but if he did it in spite of them, they would not turn on him and prosecute.

9140. Those tenants have bits of the river that are of good value for angling?—Some of them.

9141. And they say they would preserve themselves?—Yes.

9142. Do they at all look upon the spawning waters as being within the range of their responsibility?—No, sir.

9143. The spawning streams?—No, sir.

Dr. Mahaffy.

9144. They would not help by paying towards preservation?—I think not.

Mr. Green.

9145. The amount of their preservation would be this, that if they found a man angling on the river that they were in hopes of letting, they would give him a beating or something of that sort?—They would hunt him away.

9146. That is about the extent of their preservation?—That is about the size of it. At any place on the river where they would have a right they would not let a man throw outside of line into it or blow it up with dynamite, and so on.

9147. And they would not do anything at all to preserve the spawning areas?—No, sir, nothing.

9148. The land purchase that has gone on principally on the Laine has included the giving of the sporting rights to the tenants?—Exactly, sir.

9149. And in the other district the fishing has been reserved?—I think there are a few instances of it on the Laine—there are not many—where the tenant purchasers have acquired the right of fishing. There are a few.

9150. What about the Bely?—I don't think there are any tenant purchasers on the Bely, but I am not sure.

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Mr. J. HANCOCK—continued.

[KILLISNOCK, N.S.W.]

Mr. Green—continued.

9151. Then the other rivers in your district are small rivers?—Yes, mountain streams. There are a whole lot of them there.

9152. Is the principal poaching here by poisoning, or spearing, or gaffing, or netting, or what is it, in your district?—Well, of course, the principal poaching is done in the winter time on the salmon, both in the daytime and the night time. It is not done so much in the night time now as heretofore, but in the day time. Some of these rivers get into flood and the salmon run up very far. Then the mountain is over them and the flood abates very quickly and leaves the salmon there, and a man comes down, and he knows where they are, and he whips them out with a gaff. I was looking with two policemen at a man whipping salmon out from under the verge of the water, and we were within eighty yards of him and we couldn't catch him, myself and the two police. This gaff work is done in the winter time. There is a secret possibly there. He will see a little scratch in it perhaps today. The salmon is sure to be there to-night, and either himself or his son will light a little piece of a rag with paraffin oil, stick it on a pole, and run down, and if the salmon is there all night, kill it, and if not, they will stick down the torch and go in. These organized bands of poachers that used to feed the spawning rivers from top to bottom some years ago are not in evidence now.

9153. What do you consider led to the ending of those gangs?—Well, a great deal of the young men are gone out of the country, and it was a "severe" thing to go out of a winter's night with frost and snow; and then it has gone out of fashion. The next bad class of poaching is poisoning with lime, and that is chiefly confined to the Brown Fleek, off beyond Paraford, and a portion of the Maine, a small portion of the Maine. That, of course, is a noxious thing, and it destroys old and young. And then they have got into some plan of using dynamite and gelignite in the large, heavy, sluggish pools, and if there is a fish in them that would bring up the fish. It appears they rig this charge of gelignite and have a weight at the bottom, a sort of little pendulum, with cords on the top, and put in a fuse and light it. They throw it in the middle of the pool, and the cords keep it afloat while the weight sinks it, and it will explode about midway in the depth of the water and all around it.

9154. Now, with regard to those three rivers that you are speaking of, they flow into a common estuary here?—They do, sir, all.

9155. Was there not a prosecution for firing the Brown Fleek river?—Oh, yes, sir.

9156. And what was the result of that?—Oh, they were fined heavily. There was one man fined £15 and another man 47.

9157. Was there not a case there in which the poisoning was treated as a malicious injury?—There was, sir, at Dick's Grove, and there was £40 got for compensation for maliciously poisoning the river.

9158. What was that led on?—It was led on by the electoral division of Killisnock. Chief Baron Pollock and it was an injury to the bed of the river.

9159. Had that a good effect?—I think it had.

9160. Now, I wish to know the extent of the poaching that goes on. Of course the extent of the poaching has to be taken into consideration when your funds are being considered, and we ought to know what you have to deal with. Now, take the estuary?—Well, there is a system of poaching there from the 17th of January till about the 1st of May. They are called "pansies." They are rendered illegal by the by-law.

When the fish begin to run in January they have a net of about 40 fathoms long and about two deep. It is made of light twine, and, according as the tide is growing, this is rising with the ebb, and when the tide is full it stands up just like a wall, and the fish comes on and he tries to get through one of the meshes, and as soon as he gets his head in past the gills he is catching to get through and the mesh closes on him.

9161. The same as a drift net, only that it is fixed?—Yes.

9162. What nets are licensed in the estuary?—Seine.

9163. And what is their length?—They are about (you will take it roughly) 100 fathoms long, the seine.

Mr. Green—continued.

9164. How many of them are there?—This year I think it was 30, and then 33 last year.

Mr. GUYAN.

9165. Fifty-six you make?—Sixty-three for the two seasons.

Mr. Green.

9166. That is including drift nets?—That included all. I say there are about thirty in the tidal way.

9167. What I mean is this. How many of those nets are worked by people under the common law right?—Those ones that are outside the fishery owners, those are all tidal fishing, say, 30 of them. Those are all worked on the common-law right, on the foreshore.

9168. And the others are worked by the fishery owners who own several fisheries?—Yes, sir.

9169. How many nets are worked in the several fisheries?—There are seven in the Laune, and, I think, five in the Maine by Mr. Power, and one or two above.

9170. Are there any nets worked in the fresh-water areas?—There are, sir. There is one on the upper Laune and five in Killisnock Lakes.

9171. Are there any in the Maine or Fleek?—Yes, there is one in the Maine, but none in the Fleek. There is no netting in the Fleek. It couldn't be netted. It is rough.

9172. The Maine, the Laune, and Killisnock Lakes?—Yes, sir.

Mr. GUYAN.

9173. Any in the Canagh?—There are two on the lake. Last year there were two on the lake and three in the Canagh tidal portion.

Mr. Green.

9174. Those were included in the number you gave us?—No, sir, those are several fisheries. They are tidal fisheries.

Mr. GUYAN.

9175. Is the Canagh, above Blacksnoek, netted?—No.

Mr. Green.

9176. It has been suggested to us in some places that we ought to prohibit the netting of the fresh water portion of all rivers, but here there are a good many special nettings on the fresh water?—There are, Killisnock Lakes and Canagh Lake, but I would not go as far as that, sir. I think it would be well if all netting was stopped on the 1st of July, for the present at all events.

Mr. Caidenwood.

9177. I should like to ask about the tenant purchasers in the upper waters of the Fleek. I don't think you told us anything about them. Are there many purchasers up there?—No, sir. Let me remark that Lord Kenmare owns most of the Brown Fleek, and he has reserved the fishery rights.

9178. Then I understand that these are tenant purchasers there without fishery rights?—There are, sir, a great number of them. All Lord Kenmare's tenants have purchased, but they haven't got any fishery rights.

9179. Do those tenants apply to such men as are up there?—I made it my business to inquire from some of them up there, and that was the result of the inquiry.

Dr. McShaffy.

9180. Has there been an increase of the netting of fish outside the mouth, is there an increase in the fishing, are there more nets?—No, sir, there is a great decrease. When I came here, some 15 years ago, in the following year there were, I think, 33. That is 15 years ago, 33 seines working that year along the tidal shore, Cromane and Island Hook, and that is down this year, I think, to 21.

9181. Was that in consequence of a decrease in the supply of salmon?—They are getting worse and worse, and the poor people were losing by it.

9182. Is there marked fishing here outside?—There is, sir, outside here.

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Mr. J. HENNEY—continued.

[KILKORRUM.]

Dr. Mahaffy—continued.

9183. Has that any effect on it at all?—Well, I don't think so. Well, of course, the man that fishes with a seine for salmon in June and July, the same man fishes for mackerel and herring in the season.

9184. And then, I understand, it is not a good season river, so that there is not much taking of sea-trout out of the sea?—The Lanes is not a good sea-trout river, nor the Maize. The Caragh is a fairly good sea-trout river.

9185. It was said in other places where we sat that the mackerel fishing necessarily does great mischief to sea-trout—it can't help it?—It was often remarked, and I think I remember the Department sending out a man on the mackerel boats actually to test that practically; and I was speaking to fishermen several times on that very subject in places where they fish largely for mackerel, and most of them told me that they hardly ever got a young salmon in the mackerel nets.

9186. Or sea trout?—Or sea trout.

9187. I should like to know to what you attribute this decrease mostly. You say these sea trout have been given up because they cannot catch enough, and therefore the salmon don't come so much there. What do you think is the reason of that?—There are several theories, and it is very hard to make a conjecture. There are some who consider that this country has got dried up through drainage greatly within the last 30 years or so, and that this may be lessening the spawning area for salmon or their cover for lying in. One very important spawning river 15 years ago, the Griseek, was one of the best in my opinion, and for some reason or other it has shifted its course considerably in parts, and what was its best spawning

Dr. Mahaffy—continued.

ground is now dry gravel. And then, I remember that 15 years ago, in the winter time, we could get a considerable supply of spawners in the small rivers for the whole winter, and we wouldn't get, maybe, more than two or three now, only post.

Mr. Green.

9188. I forgot to ask you about the hatcheries. Are there not two hatcheries here?—There are three, one in Kilkorrum and two in Kilmaree. Well, all I can say about the hatcheries is that I think things would be a great deal worse only for them.

Dr. Mahaffy.

9189. How many years are they working?—Well, there is one of them working in Kilmaree for about 14 years, and the Kilkorrum one is working for 15 years; and Lord Kenmare's hatchery is only about five or six years in existence; and between the three we hatch out an average of close on half a million.

Mr. Gwyn.

9190. Did I understand you to say that you thought, on the whole, that poaching had not increased in your area?—It has not increased, sir.

9191. Has poaching always existed, as long as you remember?—Oh, yes.

9192. The dynamite, I suppose, is new?—That is a new thing.

Mr. Green.

9193. I suppose that you have nothing more that you wish to say?—No, sir.

Mr. MICHAEL O'BRYEN, EXAMINED.

Mr. Green.

9194. You heard what Mr. Henney has just said?—Yes.

9195. And I suppose you agree with the remarks he made?—I do.

9196. And you are interested in the Caragh division?—The Caragh division.

9197. Has tenant purchase gone on there very much in the part of the district where the river is?—It has, but the fishing rights are reserved, except on one estate, the Dennehy estate.

9198. Where are the tenants who have purchased the riparian rights situated?—They are up at Bakeni, four miles from Lacken, a mile from Deer Hall.

Mr. Gwyn.

9199. Which bank?—The left bank. Some of the Dennehy estates are going on the western bank, too. It is all in the right bank.

Mr. Green.

9200. There are some good angling places up there?—There are.

Mr. Gwyn.

9201. Is that above the bridge?—Above Birlagh Bridge, about half a mile above Birlagh Bridge.

9202. The places they have are of some money value?—They are.

Mr. Green.

9203. Do they let them?—There was one lot to a gentleman this year for £5.

9204. And did he catch many?—He did not. There were three parties fishing on the same pool. There were plenty of people fishing on the pools in his absence.

9205. These upper pools that you are speaking of are used for spawning beds in the winter time?—They are, sir.

9206. And do those men that have purchased give reasonable protection to those pools?—They give no protection.

9207. But, of course, they give this sort of protection, that they would not allow anybody to come there to angle?—They don't often prevent them. Nobody has a right to go there.

9208. So that when a man takes that fishing he may expect to find other anglers coming along in the same

Mr. Green—continued.

place?—I know the men that let it to this gentleman permitted to mind it, but, as far as I understand, he didn't mind it.

Dr. Mahaffy.

9209. That is the reason the gentleman did not get salmon, I suppose?—I should think so.

Mr. Green.

9210. How many bailiffs have you got in that district?—There are 17 in the winter, during the spawning season.

9211. Where are they placed?—Twelve at the upper Caragh, Glencar, and then down along the lower Caragh there are five.

9212. Now, is there any poaching with nets going on in your district?—In the lower Caragh there is, at the mouth of the Caragh river, in the tidal portion of it.

9213. In the lower portion?—In the tidal portion.

9214. Is that the principal place where the net poaching goes on?—That is the principal.

9215. Are those men licensed?—I expect that they would be licensed in the summer time. It is rather nets they generally use.

9216. It is that they use?—Yes, that suits them; and they do a little on Caragh lake, too, to my knowledge.

9217. Have you had many prosecutions?—I prosecuted four men for fishing within the half mile limit in the mouth of the Caragh in the open season, when they had licenses, and they were fined.

9218. Is there poisoning or anything of that sort going on?—There is no poisoning.

9219. Is there spearing, and gilling?—Yes, but to a small extent. They were gilling two years ago at Glencar.

9220. So the district is fairly orderly, compared with other places?—It is. There was a little poaching on the Bely river in the last two years.

9221. On the Bely. Have the tenants purchased their bailiffs there?—The Congested Districts Board have bought, and the tenants are trying to get the fishing rights, but I think they will not get them.

9222. Have those fishing rights been let to anybody?—No.

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Mr. MICHAEL O'BRIEN—continued.

[KILBOURNE.]

Mr. Gwyn.

9223. What is the Board doing with the rights?—The tenants wanted to get the rights from the Board, and, so far as I can understand, they will not get them.

9224. Is it a good river?—It is a good river for white trout.

Mr. Green.

9225. It is a flood river?—It is a flood river.

Mr. Calderwood.

9226. Are your bailiffs well paid?—They say that they are not paid enough. They are paid £4 for the three months of the spawning season.

9227. And do they consider that enough?—They consider that is small. This year they asked me to give an increase of a pound, to bring it before the notice of the Conservators.

9228. And is it your opinion that these watchings are valuable?—Yes; they are very important places to mind.

9229. Do you think that they do their work well?—Yes, they do it well, but they would do it better if they were paid a little more.

Mr. Green.

9230. Do the police help them?—They do.

Mr. Gwyn.

9231. What would you think of having half as many men there and paying them twice as much?—I think that would be better. That is my idea. That is my impression. They don't think it worth their while to make themselves wubbers for a small sum of money.

Mr. Green.

9232. Do the poachers poach in gangs there at all?—They do not. The poaching is practically only in Lower Caragh at present.

Dr. Makoffy.

9233. Do you give the bailiff who catches a poacher any bonus or reward?—No, except part of the fine, one-third of the fine. That is all.

9234. Mr. P. J. Kelly.—I represent the Cromans fishermen, and I want to know how many prosecutions he has during the spawning season last year?—No prosecutions, just only during the spawning season.

9235. Do you know of any poaching having gone on in the spawning season?—At Coos lake and the bridge of the Doonagh river there were boys seen speering fish in the morning at break of day and shooting away, and a bailiff pursued them, but he didn't succeed in coming near enough to them to identify them. A few days afterwards this and another bailiff were watching the same place, and a man using a bag was poaching. He escaped from them, but he left the bag after him.

9236. And they were not able to identify him?—They were not. They said he was a stranger to them.

Mr. Gwyn.

9237. What aged men are the bailiffs?—We have two men that are coming up to 60.

9238. A man of 60 could hardly climb up a steep place if he happened to see a poacher there?—Well, the majority are from 40 to 52.

9239. Mr. P. J. Kelly.—Are those bailiffs, when they are out watching the spawning fish, supplied with police protection?—No; they don't require it.

9240. And they are not supplied with police protection for minding the water?—Not in my division.

Mr. Green.

9241. You said to me a while ago that the police up at Caragh do assist?—They do, but voluntarily. They go themselves, not to protect us. They go to patrol, to watch at all events, on their own initiative.

9242. If you asked for protection for your bailiffs, I suppose you would get it?—Oh, very willingly.

9243. Mr. P. J. Kelly.—This gentleman does not think it necessary to apply for police protection when there is poaching going on on the spawning beds.

Mr. Green.

9244. He stated a while ago that there is no poaching by gangs going on.

9245. Mr. P. J. Kelly.—He knows very little about it. Witness.—We are not afraid of being personally attacked.

9246. The MacGillivray.—Would you ask a question for me—Whether, if a sea fisherman was sent up to mind the eggs, the protection would be better?

Mr. Green.

9247. Are any of the bailiffs that you have got up there men that come from Cromans, or any of those places, sea fishing men, or have you got any men from the sea up as bailiffs on the upper waters?—No; we don't have the lower bailiffs up at all. They belong to the lower river Caragh and the bay, and they are confined to that part of the district.

9248. Are those men sea fishermen that you use as bailiffs on the estuary?—One was. He had been fishing for Mr. McClure, and he was in charge of one of the boats.

9249. I suppose it would be difficult to bring up any of the sea fishermen to work on the upper waters and the spawning places, and to use them as bailiffs?—Well, it would be rather far for them to be going. The distance is far.

9250. Would you have to provide lodgings for them up there if they went?—Yes.

9251. If you took any of the sea fishermen up and put them as bailiffs on the head waters, they could not do their work unless you provided lodgings for them?—Oh, certainly. They could not go up there and come down again to sleep.

9252. And that would cost more, wouldn't it?—It would cost a good deal more.

Mr. Gwyn.

9253. Was it ever suggested to you to do what I was told is done in another place in Ireland, that is, to pay sea-fishermen a small sum for going round, not so much to watch the waters as to watch the bailiffs, to see that the bailiffs are in their places, and to inspect?—Yes, that would be a good idea.

9254. For, of course, you will allow that they have a different interest from the men on the fresh water?—Yes; the bailiffs haven't any personal interest in the fish.

9255. Now, you have never considered a way of employing sea fishermen to keep an eye on the fresh water?—So far as Glenam is concerned, I think it is not necessary.

9256. You think that you can do all the watching that is necessary?—I think so in the night time; but there is one thing that I think requires consideration. These fellows will be out at night, and, naturally, sleep in the daytime, and people can by their hand at poaching in the daytime if they wish. There should be some provision made for watching during the day.

9257. The MacGillivray.—I have one more question, if you allow me, to ask Mr. O'Brien—Whether it is not very much easier to kill spawning fish in the day time. Because a man may be down on the bank of the river apparently cropping furze, and a bailiff passing by sees him apparently engaged in farm work. There is nothing suspicious in what he sees the man apparently doing, and when that bailiff passes he can just step down and gaff a fish. I wish to ask him whether it is not much easier to kill a fish in the day time than at night, when a torch has to be lighted, and whether there is not a good deal more poaching done in the day time.

Mr. Green.

9258. You say that there is a great deal more done in the day time.

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ADMIRAL E. F. JEFFREYS, O.F.O., CHAIRMAN.

[KILLOGHLIN.]

Mr. Green.

9258. You are a member of the Board of Conservators for the Killybegs district?—I am, for the last five years.

9259. Are you an elected member?—No, ex-officio.
9260. And you attend?—I attend, and never omit a meeting except in October, when I am generally in England. It is the custom for some of the Killybegs members to go to the Killybegs meetings, and some of the Killybegs members to go to the Killybegs meetings, with the exception of general meetings.

9261. Can you tell us anything here about the effect of land purchase on the preservation of the salmon fishery?—All I know is that on my river, in which I am personally concerned, the Carragh river, for about a quarter mile above Beaulieu Bridge the whole of the right bank of the river, and some parts of the left, have been purchased, the tenants having the sporting rights.

9262. And what use are they making of them?—Well, there is one that has given leave to one or two men to fish, and as far as I can hear, there were 12 to 15 spring fish killed in the water up to the last of June.

Dr. Mokeyes.

9263. By anglers?—By anglers, with the rod. One gentleman took a pool last year and I think he got off shortly afterwards. He only went up once.

Mr. Green.

9264. From one of the tenant purchasers?—One of the tenant purchasers.

Mr. Gwynn.

9265. Is that on the Maine river?—On the Maine river.

Mr. Green.

9266. Is that just above Looe Bridge—are there any tenant purchasers there?—Lord Lansdowne has sold, but he has reserved the rights.

9267. That is sold?—Yes.

9268. So no land purchase conveying the sporting rights has taken place lower down than Beaulieu Bridge?—No.

Dr. Mokeyes.

9269. When a tenant lets a pool like that, does he protect the pool for the gentlemen who have paid him the money?—That I could not tell you.

Mr. Green.

9270. In your opinion is the upper Cough not properly preserved (I mean within reason, because, of course, you have to get on as much protection as your funds will pay for), is it reasonably well protected?—Well, I think it is reasonably well protected in the spawning season, but our funds only allow us to keep on the whole of the Cough river (I am speaking now of the upper Cough) one man for the summer.

9271. Have you any further observations to make that you think would be pertinent to this inquiry?—Well, the great danger is nothing. I think the tenants have not yet found out that they have the right to set their pools, and I have ceased an inquiry to be made by the inspector, and to inform me that three of the best pools above Beaulieu Bridge can be very easily netted. I am speaking of those now which are fairly good angling pools. And above that again there are a lot of pools which are of no use for angling purposes, but can be very easily fished with the net; and I think that when they do discover their rights they will exercise them.

9272. Do those tenant purchasers that you are speaking of own both banks of the river?—In one or two cases they do, but I don't think that is material, because the other side is not preserved, and the sweeping of a small pool with a small net is such a quick operation, that it would be quite impossible to stop them fishing from the middle of May up to the first of August.

Mr. Gwynn.

9273. I understood you to say salmon don't stand in these pools?—Well, yes. They go into these pools and they work up into these small pools.

Mr. Green.

9274. Do you think it would be a good thing to prohibit netting in the fresh water above the lake?—I think there should be a general law that no fresh netting should be established in fresh water. I don't go so far as to say that netting in fresh water should be abolished, but I think in each district the Department should hold an inquiry as to whether any existing fresh-water netting is detrimental to the fisheries, in accordance with the Act. I think they have power to prohibit any netting which is detrimental.

9275. When a net has been working for a long time it is rather hard to come and do that?—It is, certainly, and my view is that no future netting should be established in fresh water.

9276. Have you got anything else to suggest that has not been already said—and you have heard Mr. Henney's evidence?—I have said that. As regards the question of preservation, of course where a fishing has a letting value I have no doubt that the tenants will, in their own interest, preserve it, but not in the upper waters and in the small tributaries where the fish go to spawn. In many cases the fish are there, but there is no way of catching them with the rod, and therefore the fishings are of no letting value, and in that case, when they don't let the fishing themselves, they certainly won't preserve it.

9277. Have those men that have purchased subscribed anything towards the funds of the Board of Conservators?—Oh, no, they haven't been asked. They haven't got anything for their fishings except a few pounds. One man got £2. They are not rated at present, and whether they will be rated or not I don't know.

9278. Do you know how many fishing properties are rated for any purpose in the Killybegs District?—I can't answer for the whole of the Killybegs District. I will put in a paper which I prepared on that very point, and which goes more into details. But as regards this question of funds, we at present only can act by the charity of the Department. We should be absolutely bankrupt if their grant was suspended.

9279. Might I ask, before we take this document, from what source you have got this information?—From the returns sent down by the Department to the Conservators. I may mention incidentally that the return of the revised rates came down on the 12th of April this year, and if the owners of the rated fisheries on the upper Carragh, rated for the first time, wished to appeal, we found that March was the latest time that they could appeal, and I hope next year we shall get the return a little earlier. As regards this question of funds, I think, first of all, the licences are not high enough. I pay £3 for a game licence, and I don't see why I should only pay £1 for a salmon licence. I think there should be three different sums of licences. First, the owner of a several fishery, or the licensee, should pay £3. I think anyone else should pay £2 for the whole season, and I think a £1 licence should cover two months at any time, to meet the case of any people that come here for a short holiday; and that would very largely increase our funds. And I further think that the net licence should be increased. I don't think that the net of a several fishery, which catches a thousand fish, should pay only the same as a net in the tidal water, and I think every net of a several fishery should pay a £10 licence, and every net on the tidal water should pay £5. Then I think the whole system of rating requires consideration, and I have put my views in that paper, going into details. The system on which the valuation is made does not seem to be in accordance with the meaning of the Act, or with any system whatever. I may just mention one case, on the authority of my friend, Mr. de Mokeyes, who is here. He bought an estate some years ago, and found that for income tax purposes it was valued at £40, but for county purposes only at £3, and he was informed that the fishery was rated on the fish taken by a former predecessor. He estimated the fishing that he had and he appealed again, and he

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ADMIRAL E. F. JEFFREYS, C.V.O.—continued.

[KILLARNEY.]

Mr. Green—continued.

got the income tax valuation altered. The valuation, instead of being based on the letting value of the fishery, as I think it should be, in accordance with the Act, was based on the actual commercial value of the fish that he caught with the rod, and he was allowed to deduct the cost of his licence, and actually the cost of his tackle. And there are a great many rates in this district that are based upon the same want of system. And if there should be any legislation I think that requires alteration, and that the boats should be the fair letting value in the open market, less 15 per cent. to allow for rate and income tax, and that would work out in this way, that supposing there was a £100 fishery, that would be rated at £85, and that would allow of the 2s. rate and the income tax, and that would work out at about £67 10s., and that would be fair to the public and to everybody, and that gets rid of the system under which we lose three-fourths by deduction of income tax from the rate, and I think the principle on which everyone is allowed to deduct his licence duty from the rate is absolutely wrong. Let us take that case of the £100 fishery. If he lets it we get £8 10s., and if it is fished with two nets we get £6 more. Now, if he fishes it himself we lose that £6, if he thinks he can make a better profit by fishing it himself, and I can't see the justice of it. The rates should be a fixed income on which you can depend, instead of on a fluctuating one. And I may say that I have come to the conclusion, from all the enquiries that I could make, that the rateable value of this whole district, based on the system that I suggest, that is, upon the letting value, less 15 per cent., would be about £1,800, and the existing rateable value is about £960, and I maintain that if the district was fairly rated, and the licence duty not deducted, the income from rates should be £1,300. Then as regards the further question of new legislation, there are several points in which I think the law wants amendment, and one point is that the law should allow the Department to fix a different close time for salmon and trout. It seems quite absurd that there should be the same period fixed for both. Take the case, for instance, of the Brandon Bay district. There the salmon fishing does not begin till the 1st of May, the result being that you cannot catch brown trout even in March or April, and it seems to me utterly absurd. Further, if there is new legislation, I think there should be a great change made as regards the Boards of Conservators. I think all Boards should be under the Department in exactly the same way as the County Councils are under the Local Government Board, and the Department should decide on points referred to them, and should be able to lay down the law directing the Board what to do in any case in which the question may be referred to the Department.

9281. Do you think that the constitution of the Boards of Conservators ought to be altered in any way?—No.

9282. You think it sufficiently representative? Take, now, a place, for instance, where there was a large number of purchasing tenants who had the fishing rights. Do you think they would have sufficient representation on the Board under existing conditions?—Well, if they took out a licence they would have a vote.

9283. Not unless they were magistrates or well?—If they were magistrates in addition to being fishermen.

9284. They would not be all magistrates. There are a certain number of magistrates in the country now, but you can't have all magistrates?—I may say that I differ on one matter from Mr. Henney's evidence just now. We get a large attendance at the annual general meetings, but at other times it is sometimes difficult to get a quorum, and I am bound to say that it is mainly the elected members in this district who attend. Then there is the question of putting down poaching. Now, there were 320 cases of illegal fishing by boats reported by the Coastguards this year, and we were absolutely powerless to do anything. They can only be approached by a long road which is picketed, and ample warning is given to everybody when they see the bailiffs or police coming, and not one prosecution has taken place for illegal fishing there—certainly not since I have been here. There is only one way of doing it, or two. One is by getting the

Mr. Green—continued.

Admiralty to give assistance. Before coming here I was in charge of the Coastguards in Ireland, and I know that their regulations are very strict. The Coastguards are only allowed to report. If they see a boat fishing illegally, fishing within half a mile of their station, they are not allowed to leave the station and go down and identify the men. All they can do is to send out a written report at the end of the week.

Mr. Guyon.

9285. Can they not have an arrangement made to report it on the spot, can they not send a telegram to Mr. Henney, for instance?—But it is five miles off, and the road is picketed, and any police would be seen coming. Those poachers' nets are anchored on one side of the bay, and it requires only a few minutes to take them in. The other way that I suggest would be to have a permanent police post there during the season, and let the protecting men stay there instead of having to come back to Killarney each night.

Mr. Green.

9286. What about a motor boat?—I have a motor boat, and I was prepared to offer it to the Board if it would do any good, but I find it won't. It is something like 12 miles to get round there, from 10 to 12 miles in an intricate channel. The motor boat goes about six, so that it would be impracticable. Any boat could be seen coming just as far off as the police are on the road.

Dr. Mahaffy.

9287. And you think that is the main cause of the difficulty?—No, I am not at all prepared to say that. That is a matter of opinion.

9288. Does not this large number of illegal nets involve the necessity of keeping a large number of bailiffs?—That I cannot say.

Mr. Green.

9289. We have had a good deal of correspondence in the days gone by about the Coastguard question?—Yes.

9290. The authorities seem to have a great objection to doing more than is done at present?—Yes; that is a relic of the old policy when, in the old smuggling days, the Coastguards were always instructed to keep on good terms with the inhabitants, otherwise they would get no information.

9291. What do you want to have done?—We want a permanent police post, and we want the Admiralty to give us a little bit of ground to put a hut on. There is not a scrap of ground on the whole of that ground within a mile and a half of the Coastguard Station to be had by us, because nearly all the men down there are fishermen, and a great many fish illegally, and those who do not are in sympathy with the others, and no one would give a yard of ground to put a hut upon. Then, about these poachers. There are houses all along there, and they drag the nets into the houses, and if you see a man doing it you can't touch it. And even if a bailiff comes before a magistrate and swears an information that he has reason to believe, or that he knows, there is an illegal net in a man's house or garden, a search warrant cannot be granted. The wording of the law is "in or on the banks of," and it seems to be held that when in the house it ceases to be on the banks, though that house may be within 10 yards of the banks. Poaching does make a fool of the law as it stands, and nothing can be done. And further, if the net is seized, the onus lies on the prosecution to prove that it was intended for fishing, and that it is almost impossible to prove. I think the by-law ought to be amended, and that the onus should be on the owner to prove that it was not intended for fishing. I hand in a suggestion of what I would propose about the by-law. [Paper handed in.]

9292. The whole question of entering the houses was gone into at the Viceregal Commission?—Yes.

9293. And it was very carefully considered, and they didn't recommend that?—I am only raising the point in case there should be new legislation. If this inquiry should lead to legislation, that is one point that I think

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ADMIRAL R. F. JEFFREYS, C.V.O.—continued.

[KILLARNEY.]

Mr. Green—continued.

ought to be considered. About the question of police protection for baillifs, as Mr. O'Brien said, we never can get more than two police out in our small Carrig district, and they, by their instructions, are bound to go together, that is to say, one policeman won't go with one baillif and another policeman with another baillif, and I cannot see the reason of it, and if the head baillif asked for one man for one place and one man for another he can't get it. He must take out the second man to go with the first. If we could have one policeman to go it would enable us to have two patrols instead of one, and that could be done if the regulations were cancelled, because it is not a law, it is merely a Constabulary regulation. But the local police are powerless, in the face of this regulation, to watch efficiently the head waters.

Dr. Mahaffy.

9294. With regard to the question of the netting of pools by the new proprietors, if there is a general feeling against it on the bank among their neighbours up and down, they might make a representation to the Department on that subject?—They might.

9295. What has not been done?—Hardly.

9296. And if there was a general feeling that that sort of thing should be put down, the Department might take steps?—The Department have ample power at present to take steps to prohibit anything which they consider detrimental to the fishery, ample power.

Mr. Callender.

9297. I understood you to say that you didn't think there should be any interference with existing netting?—No; I said I didn't go so far as to say that. Some people recommended that all fresh-water netting should be abolished, but I think in every district the Department might well hold an inquiry as to whether any netting in fresh water was detrimental to the general fishing of the river.

9298. And in the event of its being thought necessary to reduce the netting in fresh water, I suppose you would think it proper that there should be suitable compensation?—I presume they would give compensation, I don't know; but if it was on the same scale as the compensation that was given when the fixed nets were abolished they would not get very much.

9299. You think they should get suitable compensation?—I know many cases in which, when nets were abolished, the compensation was very small, but that would be a matter for authority.

9300. I was interested in your statement with regard to finance, and more especially with regard to rating. You advocate rating on the letting value?—The letting value in the open market, not the commercial value of the take. It might not have any letting value at all in the open market. Then, if the commercial value was higher than what I would call the letting value, I would rate on that.

9301. You also recommended an increase of license duty?—Yes.

9302. If there was an increase of license duty such as you propose, do you think it would be necessary to have an additional rate?—Yes.

9303. You do?—I do.

9304. To finance the district property?—Certainly. If my proposal was carried out it would just about double our income, and it would just about compensate for what we now get by private subscriptions out of our own pockets and a Government subsidy, and we should be practically independent.

Mr. Guyne.

9305. Have you many men fishing here on licenses taken out in other districts?—Yes, a good many come to the hotels.

9306. Have you considered the question of making the £1 applicable only to one district?—Yes. I think

* What possibly happened was that someone to whom the license was given never fished after August, but gave another or October, telling him he may keep his catch.

Mr. Guyne—continued.

that would be very hard on the crowd of people who go about to spend a week here and a week there, as I have done myself in my younger days.

Mr. Green.

9307. Do you think there should be an additional tax on a license when it was used in a district other than that in which it was taken out?—A charge of 5s., or something of that kind, would not hurt anybody.

9308. Do you think that would be good?—Yes, I think it would. Anything that would add to our funds would be a good thing.

9309. Mr. P. J. Kelly.—What interest has the Admiral in fishing? He is not a native of this district, and I wish to know whether he is a professional man or an amateur angler, because I can prove that this man offered three fish in Killarney for sale that were quite unfit for human food.*

Mr. Green.

9310. Why didn't you prove it? We are not a tribunal to inquire into those matters.

9311. The MacGillivray.—I did not catch the baillif on which he wishes to raise the license duty. Would you kindly ask him?

Mr. Green.

9312. What I gathered from Admiral Jeffreys was this, that for license for nets in a several fishery there should be £10 on every net instead of £3 on every net, and for tidal men who are not in a several fishery, but are using those large sea nets, the license might be £5 instead of £3.

9313. The MacGillivray.—I understood it was £10 on nets and £3 on rods, and I want to get at the basis on which the calculation is made. He also used the expression "letting value"; but any man may assume a fishery to be worth anything, and where is the standard of measurement?

Mr. Green.

9314. We will consider that. It is only a suggestion, and we will consider it fully, and we can't go into it now.

Dr. Mahaffy.

9315. You can recommend any other basis that you think better.

9316. The MacGillivray.—The Admiral has been finding fault with the Comptroller for not stopping poaching. [To Witness.]—Now did you stop poaching when you were the Admiral there in charge?—No.

9317. And what did you do?—It was only a subordinate carrying out the orders of the Admiralty.

Mr. Green.

9318. MacGillivray, you must not go on cross-examining. We are quite satisfied that he did his duty with exceptional enthusiasm, and we are quite satisfied to leave it there.

Mr. Green.—Would you ask him whether he would be willing to lease a separate license for sea trout?

Mr. Green.

9319. To Witness.—Do you think there ought to be a separate license for sea trout?—People fish for sea trout, and some times catch salmon.

Dr. Mahaffy.

9320. And the brown trout fishing is not in itself valuable?—Not in this part of the country. There are a great many people who come to the hotels, and I should be glad to get something out of them.

on I had given leave to fish tried to sell fish captured late leave to practically anyone who asks for a day in September.

Admiral R. F. Jeffreys

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Mr. R. C. MERRITT, examined.

[KILLARGLIN.]

Mr. Green.

Mr. Green—continued.

9321. You are interested in the Brown Fleek?—My father owns a fishery on the river Brown Fleek which flows from Kingwilliamstown, on the borders of Co. Cork, into the river Maize which flows into Castlemaine Bay. He has, in his demesne, about a mile and a half of salmon fishing, and there, from the tenants, about two miles more.

9322. Now, you had a case of poisoning lately?—Yes, I brought a case for poisoning, a claim for compensation.

9323. And you got compensation?—Yes.

9324. Against the ratepayers?—Against the ratepayers. I have a copy of the judgment if you would care for it.

Dr. Mahaffy.

9325. The judgment delivered by Chief Baron Pollock?—Yes.

Mr. Green.

9326. Has that poisoning been very common up there?—Yes, up to date. Every year it was poisoned practically from its source down to where it met the river Maize.

9327. Has that sort of poisoning been on the increase or decrease?—There has been no poisoning this year, so far.

9328. It was in November this poisoning took place?—No, September. It was this time last year.

Dr. Mahaffy.

9329. And none has taken place yet?—No.

Mr. Green.

9330. Do they poison with sponge on your river?—No, but they use explosives, and also stricks hauls and lime.

Dr. Mahaffy.

9331. And lime?—Lime and explosives.

9332. But there was no individual prosecuted?—Witness. For what, sir.

9333. For this thing?—Oh, yes, several prosecutions from time to time. My claim was brought against the County Council.

Mr. Green.

9334. Have many tenants purchased on your part of the river?—Yes, practically all the tenants have purchased on the river Brown Fleek.

9335. And what proportion of them have got the fishing rights?—They have nearly all got the fishing rights.

9336. And are they making any use of them?—No; the holdings are very small, and the frontages to the river are very small.

9337. Have they shown any tendency to combine so as to be able to let a considerable section of the river to some tenant?—No.

9338. Would it be possible to get them to do that?—I think if the tenants combined they might vest their rights in a trustee for the purpose of letting them.

Mr. Richard Powers, examined.

Mr. Green.

Mr. Green—continued.

9339. You are a member of the Board of Conservators?—Yes, sir.

9340. You are also lessee of a large several fishery here?—One of them.

9341. And you work the principal salmon business in the river district?—Yes.

9342. That is to say, you buy salmon, and you work your own nets as well?—Yes.

9343. And you know practically all about the catch that takes place in the district, and you know that for a great number of years?—Oh, a good deal.

9344. You heard the evidence that was given by Mr. Henney?—Yes.

9345. And it does not seem that very much land purchase has taken place on the rivers that are good for angling?—A great deal of land purchase has taken place, but a good deal of the fishing has been reserved.

9346. Not many purchasing tenants have got the fishing rights?—Not a great many.

9347. Is anyone attempting to work them up to that?—No, not so far.

9348. Because in some other districts where we have held inquiries we have found that there is a regular organisation amongst the tenants, and that they have worked up these fisheries to be really valuable, and they pay their rates out of them. And the shooting rights of any value?—Yes, if they were preserved. It is a very good partridge country, but they are practically all exterminated these now. I think the spraying of the potatoes caused the destruction of the partridge.

9349. All over Ireland there have been very few partridges?—This place used to be full of partridges 15 years ago.

9350. There is no other shooting?—No. There is practically no bait at all on this river. The nearest man who is in charge here is a man named Quinlivan, and he lives in Milltown, and he is nine miles from the nearest point. Then for ten miles there is no bait at all.

Dr. Mahaffy.

9351. How long is the river for fishing, how many miles?—From where it joins the Maize to where it rises, I think, 13 miles.

9352. All good fishing?—All good fishing, particularly in the latter part of the year, from the first days of August.

9353. And sea trout?—And sea trout.

9354. Salmon and sea trout?—Yes.

9355. Was it ever a really good river?—Yes, and it is always good in the latter part of the year, when the salmon commence to run up.

9356. And there are good pools upon it now?—Yes, now.

9357. How long will that last?—Well, September and October.

9358. Salmon are not much good then?—They are in this river. It is rather a late river.

9359. And still you can get good fish?—Yes, you can.

9360. So that it might be a property worth letting?—Yes, and it is an excellent spawning river.

Mr. Green.

9361. Then you consider that it is not properly attended to by the Board of Conservators?—There is no bait on it, and it is practically left open to every poacher who wishes, except what the police do, and the police do very little.

9362. Have you made representations to the Board about it?—No.

9363. Are you a Conservator yourself?—No.

9364. And have the people there on the Brown Fleek contributed anything to the funds of the Board?—No, except in the way of paying for licence duty.

9365. Are there any rated fisheries there?—No.

9366. None of the fisheries there are rated?—No.

9367. Now, between Killarlin and Killarney, have any got fishing rights?—Oh, yes.

9368. About how many?—Of course they are numerous, but their interests are very small, in many instances—very small bits of fishery.

9369. Have some of those tenants that have purchased their holdings between Killarlin and Killarney got pools that are valuable for fishing?—Certainly.

9370. And do those men let them?—Yes.

9371. Do they combine to let them, or do they let them each separately?—I think they let them separately, but they have been let for considerable sums. In the case of some of those tenant proprietors, in an instance or two, the amounts received from the letting of the angling, which they got for nothing, exceed the amounts of their instalments that they pay to the Government. It is, generally, an important thing to have.

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Mr. RICHARD POWER—continued.

[KILLAGHOLIN.]

Mr. Green—continued.

9373. Very important if the better part of it exceeds these instalments?—I have heard that to be the case, but I am not absolutely sure.

9375. You cannot be far off the truth?—Yes.

9374. Now, can these pools that you speak of be fished from both sides of the river?—Oh, no, the right would only extend to the middle.

9375. But when they let it to anglers it is purely for angling?—Purely for angling.

9376. In any way have they got the other side of the river, or can they allow a man who is angling to throw across?—I fancy it is the general custom that a man is allowed to fish across as far as he can. I never heard the question raised, except to one witness, for many years.

9377. There would be no difficulty, I suppose?—I should say not.

9378. You work a hatchery here?—Yes.

9379. And how many years have you been working it?—We are working it since 1897. Since that date a sum of £235 4s. 6d. has been expended on it, or, roughly, £36 a year. Towards this sum of £235 the Department contributed towards equipment and as a subsidy at the rate of 1s. 7d. per thousand ovs, a sum of £296 10s. 7d.; Lord Vestry contributed £115, £10 was expended on ovs by the Conservators in one year; £16 was given by the Computed Districts Board as a subsidy. The remaining £500 was provided by the lessees of the fishery, that is, by us. The output of the hatchery varies with the ease or difficulty experienced in taking the parent fish. For example, the output in 1900 was only 120,000, and in 1910 it was 350,000. The larger figure is much too small to have a very appreciable effect.

9380. Then the hatchery has been greatly extended in that time. When it began it was small?—Yes, it was a small thing. Of course the rate of expenditure is determined by the volubleness or otherwise of the season for taking the spawning fish, and that is the great difficulty that confronts us here. In a year of food we have great difficulty in getting spawning fish.

Dr. McHaffy.

9381. The poachers will have no difficulty?—Well, I think poaching is very much on the decrease.

9382. We hear the poachers can get them out quickly enough?—We find it very difficult to get them out for the hatchery—to get them out alive on the small rivers.

Mr. Gayan.

9383. Where do you put in your fry?—They are distributed above the hatchery, about four miles above it, on the tributary streams, chiefly on the left bank of the river.

9384. They all go in between this and the Lakes of Killarney?—Yes.

Mr. Green.

9385. Then there are hatcheries in Killarney as well?—Oh, yes.

Dr. McHaffy.

9386. Are you troubled with commorals here?—We have a great number. For many years we paid a capitation for killing the commorals, but it became a serious drain on the resources of the Board. We paid, I think, 1s. 6d. or 1s. I think it was 1s. 6d.

9387. And you didn't ask where they came from?—They came from the district about.

9388. They might have come from Cork, perhaps?—I hardly think so. They usually come in ones and twos.

9389. And, of course, you had the herons in the shallow water?—They had existed from all time.

Mr. Green.

9390. And now is the poaching, on the whole, increasing or decreasing, or keeping steady?—Well, it is very hard to say. This is a paper that you, Mr. Green, may be familiar with, and I have brought it down to date. [Paper handed in.]

9391. You have gone on knowing this up to date?—The red line is the average of the 21 years ending 1898. We fished only one lot.

Mr. Calderwood.

9392. Is that in fresh water?—No, in tidal.

9393. You don't fish in fresh water?—Not in the Lough.

9394. You fish in fresh water in —?—Caragh Lake. And we fish the tide-way of the Mauna.

Mr. Green.

9395. I thought there was some not used in the Lough, in the fresh water?—Oh, yes; it is not ours. That is a very old several fishery.

Mr. Calderwood.

9396. How far is that?—It is about two miles above Killybegs bridge, by road. It would be, perhaps, three miles by the head of the river.

9397. Is that three miles above?—No, two miles by land. The lake goes about two miles above Killybegs bridge.

Dr. McHaffy.

9398. Might I ask you to explain that?—Yes. I don't know that it is a satisfactory explanation, but it accounts for a good deal of the startling part of it. Taking the spring months of those years, that is from 1900 to 1911, and comparing them with the spring months of the period 1875 to 1898 I find the average of the ten years, 1899 to 1908, to be 40 per cent. under the average of 1875 to 1898. The spring average of the past three years has been slightly in excess of the spring average of the 34 years, 1875 to 1898. There has been a steady increase in the spring fishing, the years 1900 and 1911 being much the best springs since 1896, which, curiously, was twice as productive as either of the springs of 1894 or 1895. With regard to grilse, the average of the ten years, 1899 to 1908, was 45 per cent. under the average of the twenty-four years ending 1898.

9399. That is of the whole of the fish?—No; it was 46 per cent. under the average of the 34 years ending 1898, and the average of the past three years, 33 per cent. under. From this it appears that while the spring fish shows an increase in the past three years, the position with regard to grilse is very unsatisfactory, the reluctance of the fish to appear in the river in the grilse stage accounting perhaps for the increase of salmon, but this increase is obtained at the expense of enormous wastage. I take January, February, March and April as being purely salmon months. Grilse have not come in any numbers. In old years, in May, from the 20th of May, we used to get a fair sprinkling of grilse, but not now.

Mr. Green.

9400. What is the date when the steady falling off of the grilse began?—The general falling off began in 1897, and 1897, 1898, and 1899 were the three worst years. The best grilse year we had was 1878. We caught then 8,000 grilse in the month of July, and we have been down since that to something like 3,000 salmon and grilse for the entire season. The netting outside has fallen off. There is nothing for them to net in the estuary. It is all a summer fishing, and it has not been paying, and they have done wretchedly.

Dr. McHaffy.

9401. You can no way account for it?—People account for it in many ways, the popular theory now being that the decrease of grilse is due to drift netting, but drift netting does not affect our fishing here.

Mr. Green.

9402. That is the drift netting at sea?—The drift netting at sea. Because we have been all more or less under the impression that the grilse don't travel very far from the shore, and how netting 150 miles away at sea could affect us here, I don't know; and, on the other hand, it is evident when we see the development that is going on, and 300 boxes of fish a day sometimes taken at sea, that some places must suffer.

Dr. McHaffy.

9403. Do you notice fish marked by nets here?—No, except an occasional one marked by local nets.

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Mr. Richard Power—continued.

[KILBOURNE.]

Mr. Green.

9404. There is no sea fishing for salmon within 150 miles of this that is worth talking about?—No, unless our idea is upset by evidence that the fish travel very much further than we think they do.

9405. Unless it be that the fish that come down along the Donegal coast are the grilse that should come to you; but unless you could prove that it would be of no importance?—No importance.

Mr. Calderwood.

9406. With the increase in your spring fish, has the result been that financially your fishing is not getting back seriously, for presumably the price of the spring fish would be much higher?—We have had some good seasons in very recent years while getting very much smaller quantities of fish, otherwise we should not have been able to hold on.

Mr. Green.

9407. There are the average numbers of the fish?—Exactly.

9408. Not the weight?—Not the weight. Nothing will really compensate for the loss of numbers. No increase of weight, and no increase of price, could possibly compensate for a generous June fishing, which we look upon as the backbone of the season, and that we have not had for years.

9409. Do you notice anything of a falling off in the size of the grilse?—In a scarce year the grilse are always small. In an abundant year they are very much heavier.

Mr. Calderwood.

9410. What weight is your spring fish?—Our spring fish, taking the average of 30 or 40 years, are 10½ pounds.

9411. Do you get many heavy spring fish here?—No; we have had a 43 pound fish twice in 40 years.

9412. Is the small class of spring fish rather increasing more than the large?—No; I would not say so.

9413. Because that might account for your grilse?—Our January fish were small. They increase in February and March, and I think we got our heaviest fish in April.

9414. You have not got heavy fish at the back end of the year?—We got the heavier fish in April. Of course it is spring fishing still in April, but the salmon in April are heavier than the salmon in January.

9415. And always have been?—Always have been in my experience.

Mr. Green.

9416. Now, on the main subject of our inquiry, have you got anything to suggest about the prospects of better protection in this district owing to land purchase or otherwise?—I don't think land purchase will affect it.

9417. In this district?—Yes. The only change would be that in the upper reaches, on some of the small rivers, there might be some netting done, but I don't look upon that as a great evil, so it is certain to correct itself. A man will have to take out a £8 licence and spend three or four pounds on a net, and he never will get 40 worth of fish out of a pool, so after one year he will abandon it, probably. It will settle itself. I think it is possible, in the extreme upper parts of the river, to net the large numbers of fish there congregated for spawning purposes. They would be rather apt to be taken out.

9418. Do you agree with the suggestion to put gillings on the spawning streams?—Oh, no, I think it would be very bad.

9419. A certain number of salmon will spawn in spite of all the poisoning that goes on?—It is very hard to exterminate them.

Mr. Guyon.

9420. Then you think there was a good deal of exaggeration in all the talk about the poisoning of spawning fish?—There is nothing that you won't get highly respectable people to say as one of these inquiries. I have been listening for 30 years to the same thing.

Mr. Green.

9421. But, all the same, we got some information. And do you now think, Mr. Power, we have heard all, unless you have anything to add?

Mr. Guyon.

9422. Do you see any way of inducing the tenant purchasers to combine to let the fishing, and do you see any likelihood of improved protection by that means?—I do not.

Mr. Green.

9423. Well, of course, their interest is not very large here on account of so much of the fishing rights having been reserved in this district?—I am sure they are keen to preserve their rights, or reserve them to themselves, but I don't think they would put any money into preserving generally.

9424. Mr. P. J. Kelly.—I would like to ask—Do you think any good could be got out of an increase of licences?—I don't think so. What you would get out of increased licences for fishing would not be very large, and the existing licence is enough to charge a man who is making a precarious living out of it. Admiral Jeffreys issued an important point with regard to rating with a view to raising a 2s. rate. But if the value of a man's fishery is really one pound, the effect is to tax that man immediately to the extent of 8s. 6d., because directly the valuation is increased for fishery purposes it is increased for fiscal purposes and for all purposes, and our rate here is about 6s. 6d. in the pound, so if you put 420 of an increased valuation on the occupier of a fishery, the law that would make him pay £1 to the Board of Conservators would make him pay £8 6s. to the rates.

9425. Then you think it would be a better thing, if any change in the law was made, that a larger proportion of the total rates went to the fisheries than to the Castle?—That is so, but you want a change in the law for that.

Mr. Green.

9426. All these things are mounting changes in the law. None of these things can be done without change in the law. There is no likelihood of any great change in the law at the present time, and we need not mind it?—No.

9427. With regard to licences, what has been proposed in other places is not that there should be an actual increase in the licence duty now chargeable, but that the maximum should be increased. All licences in Ireland are up to the maximum, and the maximum might be increased by legislation. Some Boards of Conservators might increase their licence duty if they chose. Would you leave it to the discretion of the Boards of Conservators?—That has been taken away from them by statute.

9428. At the present moment there is a maximum. Conservators can fix any licence they like, provided they don't put it above that maximum. That is the law at present, and all licences in Ireland have reached their maximum?—Yes.

9429. And the question is, should the maximum be extended so as to allow certain Boards of Conservators, if they thought well, to go on and make some of their licences a little bit higher?—However. No, I don't think that I would put any more funds at the disposal of Boards of Conservators. I think till you see the whole thing worked under a central department you will not see any confidence in the administration of the Fishery Laws.

Mr. Guyon.

9430. What is the central authority you have in view?—The Department. To make every bailiff an official as much as a policeman is an official. It is absurd the present squandering of money. It is not a great deal, but it is squandered money practically. I have spent 30 years squandering it myself as a Member of the Board of Conservators.

Mr. Green.

9431. I suppose the effect would be that if you took away £25 a year from the men who are getting it, they

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MR. RICHARD POWER—continued.

[KILLARNEY.]

Mr. Green—continued.

would compensate themselves possibly by poaching?—I don't think so. The minds of the people have gone away very much from the killing of black fish. They live better; they are better dressed; they won't spoil their clothes.

Mr. Gwynn.

9439. The Congested Districts Board own the fishing in the Baly, don't they?—Yes.

9440. Do you think that they might make something of it by working it through the Congested Districts Board directly?—If the Congested Districts Board or the Department would put responsible officials to mind it, that is a river that I am sure in 6 or 10 years' would be a very good river, valuable for salmon. At present it is quite valueless.

9441. Would you be in favour of the State keeping in its own hands the ownership of rivers as part of the purchase of an estate?—I should be in favour of their keeping all unimportant rivers where there is a valuable interest that would make somebody else look after the river; but where there are long stretches of river available purely for spawning or small sporting, I think if they put one or two officials in charge of them to superintend them, they might bring them back into prosperity.

9442. Would you be in favour of direct exploitation of the others through some individual?—Yes.

9443. But in the case where there is only a potential fishery, you think the State would be well to preserve that, and do the work by itself?—Yes, because working it up would confer an immense benefit on other fisheries in the district.

9444. And it is more likely that the river could be worked up in that way than in any other way?—Yes.

9445. Take the case of a river in this district which has been practically poached out of existence. You think the State there is the only agency?—It is utterly

Mr. Gwynn—continued.

useless on that river Maine—and I have got a knowledge of it extending over many years—it is utterly useless to expect any man, for any wages you could pay, to protect it.

9446. You don't think it could be done by any local individual or any local combination?—I do not.

Mr. Cullenwood.

9447. Do you think it is possible for the police to protect such a district, if some suitable organisation were formed?—Certainly. They do, admirably, as far as their regulations allow them.

9448. Do you think it would be possible to get a better regulation?—We have asked for it over and over again for years. We have got very polite letters in which they promised to give their attention to it; and they do, and they go to a lot of trouble, but it would be better if it were made a permanent part of a policeman's duty, like the enforcing of the Licensing Laws, the laws against road nuisances, the Shop-Dipping Order, and so on. They enforce all these things admirably, but they come up against a stone wall, somehow, in trying to carry out the Fishery Laws. It does not redound to their credit as much as capturing a burglar or detecting a pub-house in a breach of the law. All these things count, but fishery duty does not seem to be recognised.

Mr. Green.

9449. Then, to put The McGillicuddy's question, I gather that your opinion is that to give over the fishing rights to tenant purchasers of large areas of spawning rivers is practically to make those rivers derelict?—Derelict. There is no valuable angling interest in it.

9450. And, therefore, it would be better for the State to retain all such rights if they can?—I think so.

THE M'GILICUDDY OF THE BARRS, examined.

Mr. Green.

9451. Now, you have heard the evidence given by Mr. Henney, and you have heard the evidence given by the other witnesses?—I did not hear the whole of Mr. Henney's evidence, but I agree with a good deal, and with a good deal I absolutely disagree.

9452. Do you agree with all the other evidence that we have got already?—Yes.

9453. Now, confine your attention to those subjects on which you disagree with the evidence that we have got already?—I will try to confine my attention to the five points that you have asked me questions on. There is one thing that struck me to-day, that was missed by everyone here, that is, the effect of the neglect of the fisheries on the labour supply of the whole country. Angling is the one amusement that the country has left, and in my father's time it was the practice of the gentlemen of the country to allow the country people to take their trout rods down in the evening, after work, and fish. On a Sunday and Catholic holiday there were some 30 odd anglers, the last of whom is here to-day, between the lake and Killarney Bridge who lived by their rods, and had the general permission of the gentlemen. Their interests were knocked on the head by the Act which abolished netting of fish on fresh water. Those men came down to fish after their day's work. They took jolly good care to have it swept, as they did for many years, till there was hardly a trout to be got on any water. I am talking of the Laine. You have got the salmon figures, because they are at the mouth of the river at the place where there is the possibility of a good check, and it is only when a flood comes that they can go further, because I don't think that very many go up. However, I am going to give evidence of that. The trout fishing was a great asset to us. It is a great asset to all Killarney, and the Killarney Lakes and hotels. It is a great asset to Glenora and to many other places. Now, this country is paying an enormous railway guarantee for extension of the railway for bringing tourists, and I am paying on my

Mr. Green—continued.

house £4 5s., at 1s. 8d. in the pound, and Dingle is paying over 2s. now, and all this is started to bring tourists to develop this district, and the tourists cannot avail themselves of it except to remain at four guineas a week in Cork.

Dr. Mahaffy.

9454. You want the trout fishing to be made better?—Yes.

9455. Still you want great quantities of the local people to be allowed to fish?—I want as far as possible the conditions that existed 30 years ago, when fish swarmed in the river, to be re-constituted, and to revert to the conditions in those days, when the old anglers acted as unpaid baiters, and Mr. Herbert of Muckross killed 21 in one day, before my house, within a mile. I want to draw attention to the effect of the labour supply. All the young people have gone away, for their last amusement is gone. Now, an association that I joined some years ago, which let some little isolated fishings near me at £1 each, see now charging £20 a rod. Two tenant purchasers just below me asked to buy their fishing only for this association, and they want £20 a rod. So they want to get £10 out of what they won't let the two tenant purchasers buy. What will be the consequence? Every fish will be destroyed out of it that the people can destroy. The Laine is now poached with different sorts of poaching. Herring and mackerel nets will be brought up along the flume of the river. Some time after the last of July two men working down swept everything, and they have done it till there are really no trout left.

Mr. Green.

9456. Where have they done it?—In the Laine and the river Gedoch. I saw it. I have seen 50 men at work there. I have seen three gangs. I know many of the men, but I am not a baiter.

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THE M'GILLICRAID OF THE BASS—continued.

[KILGILGIST.

Mr. Green—continued.

9450. Is it your opinion, considering what you said a while ago, that it would be better for the general preservation of the fisheries of the country if all the tenant purchasers had got their fishing rights?—It is my opinion, that if you want the fishery to prosper you have to interest every man in the country in it, and to get his support, and that can be done by treating to the old conditions, subject to the change of ownership between the landlord and tenant purchasers; and the fisheries might be classified in three classes, and the State might come in alongside of the individual; and it is necessary that the State should give the working classes, after their day's labour, an opportunity of trout fishing where they want it, and to tourists, and that is my view of it; and that remedy goes far beyond the individual, and far beyond this little Board of Conservators.

Dr. Mahaffy.

9451. You say the practice of the large owners was to give the poor people trout fishing, but it is difficult to get the new proprietors to do the same thing?—No, sir, they don't do it. You ask what effects the transfer of riparian lands to tenant purchasers have had on the fisheries, and how the tenants are using their newly-acquired fishing rights. I will, by your leave, treat that in two parts. A good many have purchased on the Laine, and there are very few more expecting to purchase. A good many of those who have purchased there on the Laine live close to me, above, below, and opposite my house. I am in the very centre of them, and could, perhaps, tell you more about them than anybody else. Their purchase has had little effect as yet. They have simply purchased the rights that former owners were letting some years ago in an unbecoming, who were using them in the outrageous manner I have described to you. It is too soon to tell what the effects are, beyond confirming the coolness or hostility which existed between the wealthy proprietors of the fisheries and the mass of the people. It took away the only amusement or recreation left to the country. Now, certainly, the purchasers get the highest competition rent they can. They don't give one pound towards the preservation, and, as far as I have seen, there yet, they don't come and assist the Conservators or anybody else in preserving. They get the highest penny they can, and they let the thing take care of itself. Now, there is a common state of things that has arisen in regard to what is called the Castle pool, just above me, a mile long. The river runs east and west. The north side of the river used to be let in my boyhood to Mr. Herbert of Monkross for £120. None of that has been sold to the tenants. All the land has been sold, but the fishing has been reserved. Mr. Delap told me he let the fishing on that pool to an angling association for £13 to a man with a £3 horse. Now, take the other side, the south side of the same pool. The rent of that in my boyhood was £80, let by Sir Rowland Boscawen to Mr. Herbert of Monkross. It is now sold, and my next neighbour gets £37, three above him £40, one above him £34, and one above him, I don't know the amount, but it is small I should say, and, taking all together, there you have approximately £300 amount of £30.

Mr. Green.

9452. And these are in the hands of tenant purchasers?—These are in the hands of tenant purchasers. Approximately £200 instead of £80 many years ago, and on the other estate, in the hands of the landowner, he is getting £13 where he got £120. That is certainly a reversal of interest. I don't think that huge areas of interest should pass in the transmission of the property by the legal owner to a tenant without the fishing generally getting some benefit out of it. It was a suitable occasion, not to upset any man's rights, but it was a large piece of property that passed, and, as far as I can see, there wasn't an extra penny paid for it over the price of the land, and I would urge that the State should control the fishing, not make the people on the river do their duty. I think that in the future you will find it very much more difficult to deal with a large number of tenant purchasers of fisheries than with a small number of owners.

Dr. Mahaffy.

9453. Certainly. Witness—And then you will get the whole thing into confusion, and you will destroy the living of those men outside at Cronane, where in 1891 there were 82 boats, and they have now gone down to 21, as Mr. Henney told you. They have gone down three-fourths, and all these men that were these land families, and now they have emigrated, because their living is gone, and it is really difficult to settle that question, far more than the question of the Board of Conservators. Now, take the Vostey estate. They are the largest fisheries in the district. They might pass to the Government. They are really the neck of the whole thing of this district. Mr. Green was down many a time, and they have been fought in the courts, and we all feel friendly to Mr. Power, but we sometimes think he is talking a little too much, and tell we know the position of that fishery, I can only say that in this district the fishing is terribly handicapped. Now, as to the question, "What is best to be done to preserve and develop the fisheries under these new conditions?" the new conditions you confine to the tenant purchasers, but you leave out all reference to the State. The State, which acquires the ownership of the land, might acquire the ownership of the fisheries, and that is a fact that you cannot ignore. You ask what is best to be done. My opinion is that the best thing to be done is for the State to take up the fisheries, and commence to interest every man and boy in the country in them, by giving them access certainly to middle class or lower fisheries, by giving them the power to bring large numbers of tourists into the country, and giving access to them, which you might easily do by extending the tourist system through the Development Commissioners' Act, which I have got here, by extending all facilities for bringing tourists in, and that could be accomplished in a very cheap way. And then if a man has a tourist staying at his own house, that will lead to the spending of money in the district, when he brings in a man who takes out a licence, and he begins to take an interest in the district.

Mr. Green.

9454. These are secondary advantages. We want to stick to the primary ones?—But there are large conditions that govern the other thing. I would lower the white trout licence to certainly half a crown, and I would put a licence on the brown trout of half a crown; and that is for your funds, and it is also to check to some extent people from going up and killing a large number of salmon.

9455. That wouldn't be very unpopular?—Not if you interested the people. You haven't interested them, but if you gave them all access to these waters any man would gladly pay half a crown for the access. There are numbers of people who want to go out and cannot.

9456. And ten shillings for sea trout?—I would lower the £1 licence for sea trout to 10s., and I would put half a crown on brown trout. In Yorkshire that was tried some years ago, and it produced in the very first year between two and three thousand pounds. Your next question is, "What arrangements can be suggested with a view to giving tenant purchasers an interest in preserving and developing the fisheries?" I don't think any further arrangement than to help people to stay on these lands, which the Board could easily do by putting up a boarding house. The next is, "What part the Board of Conservators could take in this preservation and development, and how far their resources are adequate for the purpose?" Now, I divide that into two parts. My view of the Conservators is that they are an effete institution. It is not an elective body, and you have no taxation without representation.

Dr. Mahaffy.

9457. Yes, the women?—The less you say about the women the better, but you have no taxation without representation. I think I would abolish the ex-officio, except, perhaps, in special cases, where, for instance, a man had such a big interest that it would be more a question of a desire to come and help, all that he was worth, for general preservation, and through big interest he has got a special knowledge which the

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THE M'GILLICUDDY OF THE RIBBS—continued.

[KILBOGHIN.]

Dr. Mahaffy—continued.

ordinary man amongst us has not got. I have a good deal, because I am a sort of Dea Quirone, and I have nothing else to do, except attending to my property. But I would abolish the *co-ops* class altogether. I would largely increase the elected, and make what regulations you like as to elections. I think they might be improved a good deal. At present you have men coming from a distance, sometimes an old pensioner, or anything else you like, and sitting on that bench to carry out the things he had done on the Board of Conservators. There is no justification for it, and the sooner we get rid of it the better. The next thing on the list of questions is, "How poaching might be more effectively prevented?" If you want that answered you ought to define the different sorts of poaching. There are 30 sorts. You cannot answer it collectively. There is poaching at night, poaching with herring nets, and various things. I don't call killing spawning fish poaching in the same sense, because it is not done to make profit out of it. Now, attention has been drawn to Cromane, and the tidal fishing down there, and to the banks called *pubs*. There is one very curious fact about a *pub* which I think this gallant

Dr. Mahaffy—continued.

officer was not aware of at the time that he asked you to put the police on to stop *pubs*. The fish swimming along the shore are coming up usually within a line of 200 yards from the tide. The *pub* is put there when the tide is out. It is a long light net that cost six shillings, and it is laid down flat, heavily corked. It is lying flat, and as the tide comes the cork rises, and one fish sticks in that and can't get out, and as he tries he shakes the net and the other fish see it, and instead of coming on this course, they go into the deep water, and scarcely one of them comes near that water again, two miles long—the coast round Cromane itself—and they all come up to the upper waters. It is only this one fish out of a shoal. I know it, for I went to a farm there for three months to study it in 1891. I followed my own way, and I thought there was room for other men to live as well as myself. That talk of the *pub* is absolute nonsense. They do fish an odd time. I do not think it is true to say that they fish in the annual close time. They drop fishing for some time past in July, because it was not worth then while after that. You say it increases, and you have been told *skizmas*, in fact. I will send you a further statement.

CAPTAIN C. P. CRANK, R.N., examined.

Mr. Green.

9458. You are Resident Magistrate in this district?—Yes.

9459. And you come here to Kilboaghin and Killarney, and all the places where these cases are to be tried?—Yes.

9460. And you have 14 or 15 years' experience here?—I have had a great deal more. I have had 30 years' experience.

9461. But in this particular district?—In this particular district, yes.

9462. And you have heard the evidence that has been given here to-day?—I heard some of it.

9463. You have heard that there might be a difficulty in protecting the fish at all if fishing rights are given over without check to purchasing tenants?—Yes.

9464. What are your ideas on that subject?—Well, I think as far as general observation and public reports go, it is a very good thing if nets can be stopped on the non-tidal water, in the fresh water of the river, so as to allow more fish to go into the Killarney lakes. As far as this river goes, if the fresh water could be protected leading to the sea, you could get more fish in the Killarney lakes, and it would benefit a great many more people in Killarney district. Then, with regard to other streams, I think, as far as my experience goes, that the best preservation that could possibly be done would be by the assistance of the police. If a station near the best spawning river could be strengthened during the three months of the spawning, that is, November, December, and January, by increasing the number of police to assist the bailiffs, I think it would have a very good effect.

Dr. Mahaffy.

9465. There is a regulation that there must be two policemen out with the bailiff, that one could not go by himself?—I am not aware of that regulation as far as the police go; but whenever I have seen effective prosecutions for poisoning and firing of rivers, it has been directed by the police, and there is no doubt that the police do carry out that work very efficiently when they get an opportunity.

Mr. Green.

9466. Then you think that the money spent on local bailiffs is wasted?—That is my opinion absolutely, because you can't expect these men to do the work independently on the river.

Mr. Green—continued.

9467. Don't you think that it has some advantage effect?—I think very little. As far as my experience goes, it is very nearly always police prosecutions that are brought.

Dr. Mahaffy.

9468. And some of the bailiffs are old men, up to 70 years?—I think some of them are old men. There is a tremendous lot of killing of spawning fish in the spawning season on the small rivers, and far away from a police barracks, which you must strengthen if you want to have the work done efficiently.

Mr. Green.

9469. Don't you think that if you abolished these bailiffs there would be more poaching?—I think if we could get two or three really good men in place of five or six bad ones it would be an improvement. It is a question of pay. If you give a man good pay he will do good work.

9470. Have you any suggestion to make about increasing the funds of the Conservators by raising the price of licences?—I think, certainly, a trout licence would be a mistake. I think the salmon licence covers the white trout, and I think it would be a mistake to put a licence on the people fishing for brown trout.

9471. You are against that?—Yes, I am against it. It would be a mistake, I think, to have to try to enforce a law which would be difficult to carry out, and which if persistently broken would have no force at all. It would, in fact, be almost impossible to enforce the licensing of these people for fishing for brown trout in the mountain flows. It is very easy in a salmon river, but you can't enforce it in the lakes, and it would be worse than useless to try to do so.

Dr. Mahaffy.

9472. Is there any chance of combination amongst the new tenants?—I have not seen any so far. It is quite possible, I think, and it would mean a tremendous increase in the wealth of the country. It would be national wealth if you could get the farmers to combine and let their fishing rights. It is their own interest to combine and to preserve the rights.

9473. We have had the case of the river Inny, where a man refused to let anybody fish?—Yes, I know the case of the Inny quite well, but I have heard of no more cases of that kind.

9474. Is there any chance of clever hotel keepers getting them to combine?—I think if it is made their interest they will. A good many more people might

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CAPTAIN C. P. CHASE, R.N.—CONTINUED.

[KILLARNEY.]

Dr. Makoff—continued.

he got to see that it is their interest, and if they found that it was their interest they might combine. They are usually very well alive to their own interest.

9475 I am afraid a man who sets his own place in front of him doesn't know that he will be ruined in a few years.—A good many men would be injured by the man who sets his own pool.

Mr. Calderwood.

9476 With regard to the police, do you think there is any possibility of having any special section of the police force established for the protection of spawning areas during four months of the year?—Well, I should not think there was any necessity to have a special section. Do you mean that there should be a special detachment for that purpose?

9477 Yes.—I don't think there is any necessity for that. I think the average constable would do, if the numbers at stations were increased. Say, if a station had four or five men, and the number was increased to eight, four of these men could be every day stationed on fishing duty.

9478 Yet a definite time of the year?—It is only for about three months of the year.

Mr. Green.

9479 I think you have had personal experience of the police force?—Yes, I had.

9480 And with your knowledge of the force do you think it would dedicate ordinary spontaneity?—No; I don't think it would at all.

9481 You don't think it would interfere with their duties in other respects?—No, I don't think so. The fishery becomes very important in the spawning season. It is very important now, and, perhaps, it is one of the most useful persons of their duty, perhaps the most useful in these parts of Ireland, and it is a great pity that they don't do more in that way; but I think they might do more in the preservation of the fishery. It is only those three months that are really important.

9482 With regard to the possible taking of a net which may be alleged to be illegal, is it the case that a water bailiff cannot search the premises into which a net is taken?—I am of that opinion. I think it is distinctly stated in the Act of Parliament, and, it being a criminal offence, the Act must be construed perfectly strictly.

9483 Would a constable have power in such cases?—I don't think he would in that case.

9484 Do you know at all if there is a decrease in the number of constables?—Well, I know Kells station has been done away with between here and Cahirciveen. It has been discontinued.

9485 Is it known throughout Ireland generally that the constables have been reduced in number?—I can't say that of my own knowledge at all.

Mr. Guyan.

9486 I should like to ask you as to the proposal to maintain a semi-official force, would the extended use of the police affect the present proportion of the police force?—Witness.—Do you mean to say would it be necessary to have an increase of the police force?

9487 No, we ask you what is the best way to protect the rivers in Ireland, and you say the police force?—The best as things go on.

9488 That, I take it, assumes that the police force is maintained at its present strength?—I presume so.

9489 If the police force were reduced to what you might call the normal proportions that Mr. Calderwood is familiar with in Scotland, you could not depend on the police force for that extra work of protecting the rivers?—Well, it might be possible to make arrangements by which you would take one policeman from one station and another from another station for a certain period. That would not interfere very much, and you would increase your force on a particular river which is a very good spawning river. It does not really interfere very much with the ordinary work of the police. It is generally temporary.

9490 I take it that a good deal of the police duties at the present time are merely patrol duties?—Yes, patrol duties.

Mr. Guyan—continued.

9491 And do you think that men could be spared from those duties to watch the rivers?—Well, for the particular three months of the year, when it is especially required to watch the rivers, that is, during the spawning time, and certain rivers (not every river in the country, for you couldn't do that, but certain rivers) which are good spawning rivers and which are generally inaccessible and want a lot of patrolling, and you could do that by increasing temporarily the normal police force to that spawning river.

9492 There is at the present time a sufficient surplus of men that could be made available for river protection purposes, at all events for a considerable period?—I should think it is a question of taking a man here and there, and strengthening one station and weakening another temporarily, for this particular object. It is done already in cases where you have extra police. Take the Gap of Dunloe in the tourist season. They put a police station there for two or three months of the tourist season to regulate the traffic and it does not interfere with the rest of the police force in Kerry the least bit in the world.

9493 Then it is simply a question of an extra police force?—No, it is a question of administration. If you want extra men for a county or place you make your arrangements accordingly and send a few men from one place to another.

Mr. Green.

9494 Is that kind of movement capable of being done in your district for the protection of spawning rivers?—It is done at the Gap of Dunloe, for instance, for the regulation of the traffic. They form a temporary post by taking policemen singly from other posts, one from Tralee, another from Cahirciveen, and so on, and send them down to the Gap of Dunloe in the tourist season.

Dr. Makoff.

9495 I am some large movement of that sort in the North at certain times of the year?—Yes. Considerable protection for a particular river in the three months of the spawning season, would I think be a very useful thing.

Mr. Calderwood.

9496 It appears to me that in some of these districts there is considerable difficulty in dealing with those isolated parts where a considerable population exists and where the persons whose duty it is at the present time to see to those fisheries don't like to interfere with the interests of their own relatives and friends. You think that in places like that police protection might be employed in the way you describe?—Yes, and I think it would have a very good effect in preserving the river during the spawning time.

9497 The MossGiffenduff.—Why does Captain Chase say the half-crown licence for brown trout could not be enforced on the lake?—The reason I said that is this. People take out a rod to the lake to kill brown trout. If they don't pay the half-crown licence they render themselves liable to prosecution. If you don't prosecute, then you weaken the law itself and your funds don't increase; and if you are not going to put it strictly into force it is no good.

Mr. Calderwood.

9498 Then would it not be the case that if you put on a trout licence you would prevent a great many young men from becoming fishermen who afterwards might be salmon fishers and take out licences?—Yes.

Mr. Green.

9499 You spoke of the little fine?—Yes, and if you didn't enforce it it would be worse than not having it on at all.

9500 You have heard the evidence of Admiral Jeffreys. Can you suggest anything more?—I have heard the Admiral's evidence. I cannot suggest anything.

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CAPTAIN C. P. CHASE, R.N.—continued.

[Kilrageblin.]

Mr. Green—continued.

9500. I think you were opposed to making a different licence for sea trout from the salmon licence?—Yes, I think it ought to be the same thing.

9502. And you are opposed to putting on a brook-trout licence?—Yes, certainly.

9503. And you say that the police, without any great disorganisation, could give more protection than they do in the spawning season?—Yes, I think so. I think that is very true.

CAPTAIN LONDON MARRAS, R.N., examined.

Dr. Mahaffy (in the chair).

9505. You reside in this neighbourhood?—I reside in this neighbourhood, and I am a Conservator. I joined some years back what is called the Laine Anglers' Association. None of us have any fishing of our own, but there are a great many owners of small waters up the river and we determined to rent fishings from them.

9506. You are a magistrate of this county?—Yes.

9507. And you have lived all your life in it?—Yes.

9508. And you are joined with others in the Anglers' Association. How many are you?—Eight or ten of us.

9509. And how much land did you get hold of?—About two miles of water, which we rented from different proprietors.

9510. Is that from the new proprietors?—Some of them are large land holders, and two or three are purchased tenants, and it is about their lettings that I wanted to give evidence.

9511. How long has that arrangement been made?—About twelve or fourteen years.

9512. Then the new rents must be more recent than that?—I know it. There are about fifteen people in the upper part of the river now whose fishings are available for renting and we rent about eight, and what I want to say is this. Purchasers have already commented about this little part of the river, and there are a great many of the new purchasers, and some of the fishings are valuable. One we pay £30 a year for, and that is the first large pool in the river. The fish run quickly up this river. I wonder if I might just give a general sketch of the river. There are some nets in the tideway, of which Mr. Power has given evidence; and then comes the head of the tideway, and in the next three miles I think there is only one net, namely, Johnson's. The fish run rather quickly in the spring months, and the first place they lodge in the early part of the year is the Castle pool, where we get the new harvest of fish. The first place where the fish lodge to any extent is the Castle pool. We rent there eight of these fishings, and I want to show you the difficulty about the tenancy purchases. There is one pool below in which we don't rent. On one side of the river, the north-east side of the Laine, that pool is owned by one man. On the other side there is a boundary fence about half way down the pool, and there are two owners; and therefore there are three people owning one pool, and it is impossible for any man to get the full value of water like that unless there is some public means of letting these waters.

9513. And you had some of those?—We had at one time, but we have not got them now. We had all three at one time, but we have none now. These very small fishings are, in my opinion, very unsatisfactory. They don't bring people from a distance, and my opinion always was that since these are the days of grandmotherly legislation, the Fishery Department might possibly undertake some kind or other of letting arrangement, or open an office where people who wished to come to Laine could find out the lump sum at which they could take these fishings, because a man, I suppose, puts by a certain amount of money for his holiday and he will go where he can get fishing.

9514. You want a central authority?—Some central authority. It is very hard for a small peasant proprietor to let people know that he has a pool, and

9515. Admitted Jeffrey's.—May I ask this witness if there is any reason in that regulation?—(To Witness).—Is there any reason for the regulation I referred to by which two policemen must be always together?—I am not up to the police regulations. It is fourteen years since I left the Constabulary, but, as far as I remember, a man was supposed to go on protection duty by himself. But patrolling has been stopped recently. I know that a constable is allowed to go on patrol by himself now. They may call it patrol or protection duty. That is the point. For patrol I know they can go singly.

Dr. Mahaffy—continued.

It is not any unless these people would join together. I have some hundreds of acres of shooting land that I rent from some of my neighbours, and since purchase I have found one set of people found me not approachable at all. They couldn't tell you what they would let their shooting for, and one would ask more than another. Now not one of these people's shootings is worth anything in itself, but when all these are joined together they are worth something.

9516. And you have got portions of the river from owners of the river. Was there anyone about looking after them for you?—I have had personally no experience of the fishing. I think it is more so in the case of the fishing. It is a matter of individuality.

9517. But you have had the fishing?—As a member of the Association I have had this fishing.

9518. And has that been ever poached?—I don't think it is poached at all. Of course, there may be an occasional poaching, but it is not done openly, and I think that all the people that own a fishing there thoroughly understand the value of it, and they would like to make as much of it as they could.

9519. Was it satisfactory to you, did you get good value?—Yes, it was satisfactory.

9520. Is it a very fine fishing river?—Well, I would not agree with you in that. I don't think it is a very fine fishing river. The best year I ever had was last year. I fished ten days and got ten fish.

9521. You can't complain of that?—The worst of the fishing on the Laine is that it is practically only a Monday river. It is an extraordinary statement, but I can prove it. The fish run through very quickly to the upper waters. On the Monday they are in these pools, and there is very good fishing, and after that if there is satisfactory water in the river these fish have all gone up.

9522. To the lake?—No, to the upper waters, which are in private hands, but I am thinking my evidence now is where the water is actually preserved. From Muckness to Johnson's net there are fifteen proprietors. Most of these people have recently purchased or are about to purchase, and it would be a great advantage to them to have a central place where they could let their fishings.

9523. Would they come in and let them?—They might.

9524. Something might be done, but they must come together?—Oh, certainly.

9525. Is there anything you have to suggest on that point?—From does not appeal to him. These people are not in the position of the people in the small rivers, whose fishing is worth nothing. There are small rivers flowing into the Laine, whose waters from the head waters of the Laine, and in those rivers you get to a certain point where the fishing is worth nothing commercially; but, on the other hand, they are valuable breeding grounds for the fish, which are a national asset of which we all get a share in various stages of the river. I hesitate in speaking in the presence of Mr. Caldwell, an authority on the subject of salmon, but I think it is only the first run of fish that breed high up and the autumn fish breed lower down, and so every part of the river gets its full share of spawning ground. If the upper waters are not protected there will be a serious diminution of fish in the lower and middle waters in Laine, and I think what should be done about

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CAPTAIN LEONARD MARSHALL, D.A.—continued.

[HILLINGDON.]

Dr. Mahaffy—continued.

that is, that when farms are sold to the tenants through the Estates Commissioners or the Congested Districts Board, the fishing on all those portions of the salmon rivers whose salmon is a commercial asset should be reserved by the Board in the same way as the Estates Commissioners reserve the minerals. When they sell, the minerals are reserved for the national good of the country. These fish are as much a national asset as the mines and minerals would be, and it ought to be possible to reserve them, and if they have reserved the minerals in one case they ought to reserve the fishing rights in the other and preserve them to a certain extent, and if possible make money out of them.

9525. A reserved right is worth nothing if nobody would protect it?—Yes.

9526. How do you propose to protect it?—It is, of course, difficult where there is no fund for protecting. You have heard evidence of the small sums we are able to pay our bailiffs. You can't expect a man to go out and incur danger to life and limb for £4 or £5.

9527. Have you anything to suggest?—We should have to increase the rod licences at any rate. I think there are very few rod men who would not pay another pound.

9528. What about the net licence?—Well, the net licence brings in the same question as the gun licence. Every man has to pay three pounds for his shooting of game, whether he only shoots fifty head a year or 5,000.

9529. Would you increase the net licence to any proportion?—A great number of those boats that go out into the sea sometimes could hardly fish.

9530. Still they get a great number?—Yes, sir, they do.

9531. And you don't see your way to making any suggestion about that?—No.

9532. And then about protection?—I would like to give you an instance from the analogy of shooting to show what could be made of inferior shootings when they are lumped together. I was shooting twenty years ago, in Darmstadt, Germany, where there are a great number of peasant proprietors holding only five or six acres of land, and it is the law of the country in those cases that the shooting should be let, and let for the benefit of the community, that is, the little village community, so to speak.

9533. Partridge?—Partridge and hares. And I was shooting about the country there, and we killed excellent bags.

9534. But what occurred there was through the action of the State?—It was the action of the State, and if every man on the land had the right of shooting or if there wouldn't be a head of game there.

9535. Well, I suppose poaching is put down with a strong hand?—With a very strong hand.

9536. By the Government?—By the Government, who see that these men let their own shooting, and it all goes to the benefit of the community in that sense of the word.

9537. That is very interesting. Have you any other point now?—No, sir, not that I know of. That is the only point. There are a great many yearly stipendiaries, as you may call them now, purchased tenants on the rivers whose fishing is of no value and incommensurate, and I think it would be well that the Government should take into their hands first of all the protection of those communally unprofitable rivers for the general good, and in cases where there was a possibility of it develop the fishing, and in that way I would penalise any new nets in fresh water and prohibit them. And then I think there should be some kind of a letting agency for people who already have fishings which could be lumped together and made valuable.

Mr. Calderwood.

9538. The Anglers' Association have two miles of the river. Do you members generally fish?—Oh, yes.

9539. Steadily fish?—Steadily fish.

9540. And are you willing to give us any statement as to how many fish may be taken?—I don't know of

Mr. Calderwood—continued.

my own knowledge. The Secretary is here and he can tell.

9541. I was interested in what you said about this being a Monday river. I suppose your argument is that the nets are sufficient to prevent the distribution of the fish over the river during five days in the week?—I think that in an ordinary year, from the way that the some nets are worked at the mouth of the river, very few fish could come up. A very large number do come up on Saturdays and Sundays. I was told by a man who was watching (it is not legal evidence, but I am sure it is true, in fact), that one day this year he saw in the early Sunday morning some fifty fish run over the ford. They do get up.

9542. The fish do get up?—Yes, but you can see that if the seine fishery is worked (well, I don't say untidily worked), the chances of the fish getting up are not very great; and therefore that the Saturday and Sunday close time is an extremely valuable thing, and large quantities of fish do come up. But they run up this river, when they are once in it, quickly, and they know the lake is above them.

9543. Mr. P. J. Kelly.—You have asked a question that I wished to put to the witness. The question has already been answered by Captain Marshall.

The MacGillivray.—I would like to ask a question bearing on Captain Marshall's evidence. In the evidence given by him as a member of the Lorne Anglers' Association or as a member of the general public?

Dr. Mahaffy.

He said at the beginning that it was as a member of that Association.

The MacGillivray.—Is the evidence given on against the public (that is what I want to know), or is it given in favour of a section of the public, leaving the rest of the public out?

Dr. Mahaffy.

9544. You were not in giving evidence leaving out the outside public?—I was giving evidence as to facts that came across me.

The MacGillivray.—Assuming, in the absence of an answer to that question, that Captain Marshall's evidence was given in favour of the few members of an association called the Lorne Anglers' Association, might I ask him two further questions. One is, was that Association started originally with two gunnars as members for a certain number of gentlemen to pick up a certain derelict fishery if they could?

Dr. Mahaffy.

I don't think you have any right to inquire into that.

The MacGillivray.—Then I will put the subsequent question. Did Captain Marshall and others write to me, who are very much interested in fishery there, and ask me to join that Association and take as many tickets as I liked at the price of two guineas each which could subsequently be let at twenty, and put money in my pocket, and did I meet the Committee of the Association and say "Did Captain Marshall then, and those with him, offer me as many tickets as I liked at two guineas, which could be let for a matter of £50 a year, and did I reply, "If you will allow the public and the country boys to fish this once a fortnight on a free ticket and on Catholic holidays, and Sundays, I will join you, and if you won't I will not," and did they then return to accept me as a member of the Association?

Dr. Mahaffy.

We won't have Captain Marshall cross-examined. The MacGillivray.—Then the question remains unanswered?

Dr. Mahaffy.

No answer.

The MacGillivray.—And silence given consent.

Dr. Mahaffy.

No.

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Mr. THOMAS GRANTY, CHAIRMAN.

[KILLARNEY.]

Dr. Mahaffy.

9545. You are a member of the Board of Conservators?—Yes.

9546. Are you yourself a fisherman?—I am a member of the Board of Conservators, and I represent the Muckross estate several fishery.

9547. You have no personal concern?—No personal concern.

9548. What have you to tell us?—Well, with reference to your inquiries, first: "What effects the transfer of riparian lands to tenant-purchasers have had on the fisheries, and how the tenants are using their newly-acquired fishing rights?" my opinion is that where tenant-purchasers see a prospect of getting fairly good rents for their fisheries they will do their best to protect them; but in districts where there is no prospect of that I don't think they will take any trouble about it, but, on the other hand, will do their best to poach.

9549. That agrees with other witnesses. Now Question 3?—Well, we are short of funds, and I think it would be absolutely necessary that the Fishery Department should if possible increase our funds. In the Killarney district we have subscribed £30 these last two or three years past, and we got £190 from the Department on that account, which was of great assistance to us.

9550. That has been stated also by others?—And in addition to that, I think extra police protection would be absolutely necessary, but I think that was fully gone into by Captain Grant.

9551. Yes?—And I entirely agree with him in what he said about it, and I think it would be most important.

9552. The Muckross fisheries are very valuable?—Yes.

9553. You have both net and rod?—Oh, yes, both net and rod.

9554. Of course, the rod is not let near the fisheries themselves, but it is a valuable fishery?—Yes.

9555. In the lake?—In the lake.

9556. When does the net fishing open?—It opens on the 17th of January and closes on the 31st of July.

9557. How many fish on an average do you get in that time?—Witness.—On the lower and middle lake?

9558. Yes. Do you get 250 fish?—Oh, I do; I think about 400.

9559. Is the catch as good as it was?—I think so, a little better latterly. We had a very good year this past year. It was very remarkable. For the first three months of the year, January, February and March, and part of the month of April, we got the principal number of fish. It dropped off very suddenly this year, and we had practically no fish from the latter half of May to the 31st of July. We could get no salmon peel at all this year, practically none.

9560. Have you any of the head waters under your protection—are these not breeding streams that run into the lake?—Yes; as members of the Board of Conservators we look after those and do our best to protect them; and in addition to that we have a salmon hatchery at Muckross, out of which we turn a great many salmon fry.

9561. How many years has that been running?—I think I started it about eleven or twelve years ago, and on a very small scale, a couple of boxes only, and turned out a thousand or so. Last year we have turned out 100,000, and the previous year 120,000 salmon fry.

9562. How many spots on the lake do you net?—We have eleven hauling places in the three lakes; four in the lower lake, three in the middle lake, and four in the upper lake.

9563. You get fresh fish up there?—Yes, the upper lake fishery is not so valuable. We generally feel that to a man in the locality, but we net the lower lake and middle lake ourselves.

9564. Have you any further suggestion to make?—I think I might add that, in my opinion, in some of the upper streams I think it would be important that there should be gratings put up to stop the fish from getting into remote districts where they run up too far. For instance, if they run up into the very high waters the streams are likely to dry, and then the fish don't come down the river.

Dr. Mahaffy.

Other witnesses have said the same thing.

Mr. Colderwood.

9565. You think they would stop in the river?—I think it would prevent the salmon going too far. I think it would facilitate protection.

Dr. Mahaffy.

9566. Is there any other suggestion?—No, I don't think I have anything else.

Mr. Gwynn.

9567. Have you any notion of how much the hatchery costs you to run?—Well, the proprietor always pays the expenses of the hatchery, and we get a little subsidy of 1s. 6d. a thousand from the Department for the number of fry we turn out. And I think I may say that now that the hatchery is established its expenditure costs about £17 or £18 a year, that is for the season from November to April, that is while we are managing the ova and looking after the fish in the hatchery tanks and then distributing them. We distribute them in the several streams running into the lower lake, the middle lake, and the upper lake. I see that they are distributed as evenly as possible.

9568. I take it that your fishery pays a licence for each net?—Yes.

9569. That is £32 in all, as it is?—Oh, we have one net in the lower lake, one in the middle lake, and one in the upper lake.

Dr. Mahaffy.

9570. You said you had eleven places to haul?—Eleven hauling places and three nets.

Mr. Gwynn.

9571. So that your contribution in the way of licence is only £9 a year for yourselves and your tenants?—Yes, that is all.

9572. You said you thought that there should be more money spent on protection, did you not?—It would be well if there was.

9573. Would you think it would be a fair thing to increase the licence that you pay, which is rather a small thing in proportion to the lake of from 1,500 to 2,000 salmon?—I don't think it would be fair to increase them on us more than on anybody else.

9574. I don't wish to be understood as speaking of the Muckross nets only, but as a general principle, do you think it would be a fair way and a reasonable way of raising your funds to increase the licence on nets?—I don't think it would.

9575. In what way do you suggest the raising of increased funds?—We subscribe fifty well to it. We give a subscription of £50 a year towards the Fishery Fund, and I suppose that might possibly be a little increased if it was absolutely necessary, but I think the Fishery Department can't exactly tell you how they propose to do it. I really think it ought to be done in some other way.

9576. Do you think that the whole of the net licence holders subscribe to this protection voluntarily?—I know some do, but I don't think all do.

9577. But you are not of opinion that licences should be increased?—Well, I don't think they ought to be increased, and I would not advocate trout licences.

9578. The MacGillivray?—May I ask would it be proper to apply to the Development Commissioners for funds?—I don't know that there would be any use in it. I don't think that is a question that I would be able to answer.

Mr. Colderwood.

9579. That question ought to be put to the Board of Conservators.

The MacGillivray.—If it appears on the notes that is all I want.

Mr. P. J. Kelly.—As a member of the Board of Conservators, I want to know what action the Killarney men take in preserving the fish on the upper waters beyond the Killarney lakes.

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MR. THOMAS GREENE—continued.

[KILLARNEY.]

Dr. Mahaffy.

I asked him, and he says that as represented by the Board of Conservators they do take action.

Mr. P. J. Kelly.—He said they did their best, and I want to know what their best is like in the matter.

Dr. Mahaffy.

9580. How many baillifs have you up there?—Our secretary tells me eighteen, and in addition to that some of the conservators go with the policeman and

Dr. Mahaffy—continued.

make raids at night on the upper waters with a view to catch poachers, and that has a very deterrent effect because they don't know when they will go, and they are very careful.

9581. Mr. P. J. Kelly.—I want to know what, in his opinion, do the Killarney men pay for licences and what representation do they hold on the Board of Conservators?—Mr. Scully will be able to answer that.

MR. T. COUGHEY, examined.

Dr. Mahaffy.

9582. Are you a member of the Board of Conservators?—I am a member of the Board of Conservators. I have been a conservator for twenty-one years.

9583. Are you yourself a fisherman?—I am, sir, and a fishing-tackle maker.

9584. Where do you fish?—In the Lause and on the Fleek and the lakes also.

9585. Are you a red fisher?—Yes.

9586. Not a net fisher?—Not a net fisher.

9587. And you are elected on this Board by the people in Killarney?—Yes, the licensed ones.

9588. What have you got to tell us?—There is one thing that I would be in favour of, and that is that the small tributaries of the river should be grated in such a way as to stop the fish going into these rivers. They go into them when the high floods are there. The floods fall away in a very short time and the fish spawn in these rivers, and I can prove it myself, and I have proved it, for I found the eggs actually rotten in the beds.

9589. Other witnesses have told us that, and you agree with them?—I do, sir.

9590. Now go on to the next thing?—The next thing is that I would be in favour of having no netting in any fresh water that has not been in existence since before the passing of the Land Act.

9591. Which Land Act?—The Land Act of 1903.

9592. And anything that was not in existence then should be regarded as illegal?—Yes.

9593. And should be stopped?—Yes.

9594. Of course, all net getting should be stopped?—Yes. And I am not in favour of putting a licence on trout fishing at all, because little would be gained by it, and it would be hard to get poor men fishing the river to pay half a crown. I am not in favour of increasing the licence in any way, because many a tourist comes here now to Killarney and takes out a licence and fishes for three days and goes away again then.

9595. That is red fishing?—Yes.

9596. What about net licensing?—One man this year didn't make £10 of it in the upper lake of Killarney.

9597. But he might in another year?—Yes, but this year was against him.

9598. And you think it would not be right to raise the licence?—Yes, that is my opinion.

9599. And what is the next point?—I think the authorities should pay more attention in the winter season, say for three months at least, that we should get police protection to go with the water baillifs. The water baillifs will protect in the day, but they won't prosecute. That is beyond doubt. Any prosecutions that we have had this year in Killarney district, which is a very large district, were by the police. We have seventy miles of spawning ground

Dr. Mahaffy—continued.

to look after. From the mouth of the Fleek to Lee Bridge is about fourteen miles, and then there are three other streams, and further streams flowing into them.

9600. What you would want for that would be plenty of baillifs and police protection?—Yes.

9601. Go on to the next thing?—There is another thing that is a very great destruction to salmon and trout fishing, that is the commorats. They are very often in the lakes of Killarney. They come up there, and I am sure that when they come down on the limestone shoals of fry in the months of May and June they destroy a lot of them.

9602. What suggestion do you make about killing them?—In former days we used to give us, 6d. a head from the funds of the Board, but we found that the funds got very low, and we couldn't.

9603. Did you pay large sums of money?—We did, sir, which I said myself. I was deputised to pay the money, and it amounted to three or four pounds in the C. Division of this district.

9604. Is a year?—No, two or three years.

9605. Have you any other suggestion for dealing with that except the capitation fee?—Well, I think it would be well, if it could be managed, that the Government or the Department would send down men to kill them down, say for one week in the year. You will see sixty or seventy on one rock on the lake at present.

9606. I know the rock very well. I was looking at it yesterday. Is there any other pest, do you find others fishing on the lake?—No, I don't see any others recently.

Mr. Gwynn.

9607. I take it that you would like to see the Development Fund worked for all the money that we could get out of it?—I would, sir.

9608. Is there some objection made by Lord Kenmare to shooting commorats or shooting anything on the lake?—Well, there is, of course. Lord Kenmare has the right of shooting over the lake, and it is a thing that I have been urging for a number of years, knowing the destruction there of the fish.

9609. So that even if you wanted to shoot them for nothing you wouldn't get leave?—I dare say Lord Kenmare would give leave, but we haven't leave, and we can't get a shot at them, because I know they are a source of great destruction, and some years ago the proprietor of the hotel shot one over in Muckross which was spread had seven smelts in stomach.

Dr. Mahaffy.

9610. We have heard that story. There are always commorats on that lake?—Not as much as there have been for the last twenty years. They used to shoot them down very much.

MR. DANIEL MURPHY, examined.

Dr. Mahaffy.

9611. You are a tenant purchaser?—Yes, sir.

9612. On what estate?—The late Sir Rowland Bingham's.

9613. That is one side of the Lause?—Yes.

9614. And how long is it since you purchased your farm?—Three years the first of October.

9615. What frontage have you to the river?—Nearly a mile.

9616. And good pools?—Yes, good pools.

Dr. Mahaffy—continued.

9617. And you have the fishing rights?—Yes.

9618. And what do you do with them?—I let it this past two years, and it is quiet this year.

9619. Why is it not let?—Colonel Pascoe, an Englishman, had it last year for £15, and he didn't turn up this year at all, so he did not get a salmon there last year.

9620. Is there any reason for that?—There are fish coming there that won't take the fly. I blame the hatchery fish for it.

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MR. DANIEL MURPHY—continued.

[KILLOGGIN.

Dr. Mahaffy—continued.

9631. You say the hatchery fish won't take the fly?—It strikes me they are only not fish, for the fish now there are jumping before the fly, and they won't look at it.

9632. And there is no poaching on that river?—No, sir; I wouldn't allow poaching.

9633. And are your neighbours opposite you good friends of yours?—Indeed, they are. Some of us pay licence, and we let it to Colonel Fawcett, and we would be willing to do anything of the kind again.

9634. And you say there are fish that wouldn't take?—Wouldn't take.

9635. And that was on the whole season?—Yes.

9636. And he never got a fish?—He never got a fish last year. He only got one fish, I think, last year in the whole four pools.

9637. And you say then there is not any want of supply of fish?—The fish are there, but they are not fish for the fly.

9638. Have you anything to suggest?—The only thing I have to suggest is about poaching. I have heard many suggestions about poaching here to-day that I don't agree with at all. That is the winter poaching in the small rivers, and I think there is nothing to put a stop to that but to put gradings to stop the fish going into the small rivers. There are three or four bailiffs employed on a small tributary, the Gedach, where there are the principal spawning beds, and there are four bailiffs there in the day, and they can't be expected with their pay to do the business. If there were the whole police and bailiffs in Killybegny it would not prevent poaching unless gradings are put up.

9639. Have you a spawning place below your farm?—Just one. I can see them from my place.

9640. Can't that be protected?—It can't be protected except by doing that. That is my opinion, and I am living there since I was born, and I know as much about the river as anyone, and I say that poaching goes on there, and it will go on for 50 or 60 miles, unless that is done.

9641. Poaching goes on by day?—Yes. Well, up the river from the top to the bottom. There were some bailiffs taken off there last year, and in two days there were 40 salmon killed, within a hundred yards of the Laune.

9642. Is that beside your farm?—It is not. There is another man living between me and it, but I can see it from the door.

9643. Wouldn't it your interest to stop that poaching?—I can't stop it, because I couldn't watch it, but I know thoroughly well they were killed there by day.

MR. JOHN SCULLY, examined.

Dr. Mahaffy.

9644. You live here?—I live in Killybegny. I am Secretary of the Laune Anglers' Association, and Secretary to the Conservators for the electrical division of Killybegny, the inner or fresh water division.

9645. Is this the Anglers' Association that Captain Marshall spoke about?—Yes, I have been Secretary of that, and it has been at existence for 14 years, and it was called into existence for the purpose of enabling the Association to have more bailiffs on the river Laune, and to prevent over-setting, and to enable the members of the Association and tourists residing in Killybegny district generally to fish for salmon. That was the original intention in establishing this Association.

9646. Have you ever given facilities to the poorer people or to anybody to fish for trout?—No, sir, it was confined exclusively to the members of the Association; and, in reference to evidence that has been tendered to you by some previous witnesses, I wish to contradict a statement that was made that the Association pumped up the price of tickets to members to £20. The subscription to the Association is £3 for each member for each ticket he holds, and if the idea of £20 has got into the mind of one gentleman, it is because the Association found that the number of rods for the water available were too many, and when a certain gentleman, who fished in a particular way

Dr. Mahaffy—continued.

9644. If the fish can't be protected close to the Laune, they can't be protected anywhere?—They can't be protected except by putting up a grading. That is my opinion.

9645. How far would you let them up?—Two miles or less, higher up, from the Laune to Gedach Bridge.

Mr. Calderwood.

9646. Who is to determine where you are to put the gradings?—If there was an experienced person sent down to see the place, he could see where to put them.

9647. Who is to send the experienced person?—I suppose the Board of Conservators would send an experienced person.

9648. Would you like to give the Board of Conservators power to do that?—Oh, yes, anybody of experience, and it could be very easily done.

9649. I suppose they would want sanction for their action?—I don't know. Unless it is done the salmon will be killed night and day. In fact, there is no night poaching going on. And there is one other suggestion I would make, about the tenant purchasers, I would like that they would get some representation on the Board of Conservators, and they would take more interest in the whole thing then.

9650. But they could be elected. Haven't you a great chance of being elected on it, now?—I mean some one representing the tenant purchasers on the Board.

9651. Wouldn't it be necessary, before you had representation, that you should have some combination?—We have combination. We would let it any moment at all if we could get a person to take it. I would let it to any person whatever.

9652. How many are you, about?—There are eight of us.

9653. And what representation would you consider satisfactory—one member?—One member would be quite satisfactory. From the lake to Killybegny, here, there are about 20 purchasers.

9654. And in another district where there are 300 tenant purchasers would you also give them a representation of one in eight?—Well, I would say one in eight, but, you see, we are not holding only on the Laune. I think there are upwards of 50 tenant purchasers from Killybegny to the lake. I don't mean our own right.

Dr. Mahaffy.

9655. And you haven't got a single man on the Board of Conservators?—Not one. I think there was one, and I believe he lost his seat.

Dr. Mahaffy—continued.

that was entirely objectionable to the members of the Association, applied, on a certain occasion, for a renewal of his ticket, the price was jumped up, especially for the purpose of preventing that very gentleman from becoming a member of the Association again.

9649. What did he do?—He stayed on one of the islands, or camped there, I don't know which. He used to remain in the same spot all day, and that was the only available spot where the fish could be seen passing.

9650. And you were quite right in turning him off?—I think it right to state that.

The MacGillivray. I wish to correct that statement that this man that was fishing in the Laune stood still at a particular spot, and you will not believe one word he said about that.

Dr. Mahaffy.

9651. Now, what have you got to tell us?—That the fact of the riparian rights on the Laune passing into the hands of tenant purchasers will lead increased facilities for poaching on the river, by reason of the fact that up to the present time large stretches of the river have been held by one single proprietor, and it has now been sub-divided into eight or ten sections. The next question is—What is to be done to pre-

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Mr. JOHN STRAT—continued.

[KILBOURNE.]

Dr. Mahaffy—continued.

serve and develop the fisheries? Well, there was a meeting of the Conservators of our division, and there was a consensus of opinion that evidence should be introduced to you, and that is the conclusion that they came to on that question, that there should be some permanent increase in the Conservators' revenue, either from Imperial taxation or local rates. In the instance of Killybegs electoral division, the revenue for the past six years has been £100, and that sometimes drops to £90 or £80. The average revenue of Killybegs electoral division contributed £50 in addition to that voluntarily.

9022. Were any of them new purchasers?—No, sir, not one single tenant purchaser. And they got from the Department of Agriculture a subsidy proportional to the amount contributed locally. We found, on application to the tenant purchasers, that they refused to contribute one penny to the preservation, and it was as a view of that, having regard to that direct refusal of the tenant purchasers to contribute to the preservation of the fisheries in the district, that the Board of Conservators in Killybegs—I think we were about the first to move officially to have valuations placed upon the new fisheries. Then, in reply to the question as to what arrangements can be suggested to give tenant purchasers an interest in preserving and developing the fisheries, we say that they now own the fisheries, and that the increased rental should be enough to enable them to see that their interest lies in the better preservation of the fish during the open and close seasons. And that is borne out by the fact that, in the case of the Lorne Anglers' Association, the rental of 14 years ago has been increased over 60 per cent.

9023. The income paid to members?—No. The rents paid to the owners of fisheries on the river Lorne. Then, to the question, What part the Conservators should take in the preservation and development, and how far their resources are adequate for the purpose, we say the Board of Conservators should get extended powers to refuse to grant new netting licences in inland waters, and some of the members of the Board of Conservators were strongly of opinion that any new legislation should be made to date from the year 1903, the date of the passing of the Land Purchase Act.

9024. That any right that was not existing before that date?—Should not exist after that date. They say that extended powers should be given to the Conservators to refuse to grant new netting licences in inland waters or fresh-water fisheries, and to suppress or extinguish existing licences on proof of gross violation of the Fishery Laws, first, by netting the whole width of a river, secondly, by netting during the weekly close time, and, thirdly, by using illegal methods or means to prevent the free run of the fish during the weekly close time.

9025. You think in those cases the licence should be withdrawn?—That the local Board of Conservators should have the power of withdrawing, suspending, or extinguishing. The resources of the Conservators are insufficient. For instance, in Killybegs electoral division, where we have from 70 to 90 miles of spawning ground, some thirty or forty years ago the revenue derived from rod licences was only £30 or £40. Last year, which was our best for the past 30 years, I think, this resulted a sum of £120. I would not deal with this year, because it has been exceptional (it has run down to £80 or £90 this year), and, having regard to that fact, it may be interesting to know that the number and value of the fish have increased, and for the past 30 years there have been no cross-lines used on the island of Killybegs. They had been used every year up to that, and we are enabled to boast now that we have the finest public fishing in the whole of Ireland, free to everybody coming, and the best trout fishing in the whole of Ireland. There are only four nets used in the whole Killybegs lake district.

9026. But in different places?—I would not agree with you there, sir, and my opinion will be borne out too. The net is on the surface, and the wind blowing in a particular direction will necessitate your netting only on one particular place on any day of the month or week. In the present year there is a good instance

Dr. Mahaffy—continued.

of that. Lord Kinnear's netting, for instance, has been pretty good for the past four or five years, and this year, because the wind blew in favour of Lord Addison, he has been reaping the benefit of the wind being in his favour.

9027. Is it on account of the meshes of the net, or what way does the wind affect it—is it that the net is more difficult to manage?—The fish will take to the opposite shore.

9028. But they blow the fish to the opposite shore?—No, sir, but they run against it. Then, in answer to question 5, as to how poaching may be more effectively prevented, we say that Conservators should be empowered to apply for compensation for the poisoning of rivers or lakes on inland waters, where, by the nature of the title, private owners were prohibited from applying; such compensation, when granted, to go in relief of local fishery rates if levied; the Constabulary to be empowered to set apart a certain number of men in each electoral division on special duty during the annual and weekly close times. To show you the difficulty we have experienced with regard to that, I can state that I have 20 years' experience, and that whenever I applied to the local police station for assistance on urgent occasions (and even in fishery matters there are sometimes urgent occasions, for the sudden dropping of a river, for instance, will leave it open in a matter of three or four hours to all the poachers of the district), the police regulation says you must give 48 hours' notice to get a patrol; and that entirely precludes our getting out a patrol in time. We say special pay should be given to the Constabulary for this work, and the Conservators should be empowered to give rewards in all cases where they think fit to do so. The Conservators think the Constabulary Howard Fund has not been administered for the benefit of the fisheries, and if the Board of Conservators were allowed to reward the police directly in accordance with the services rendered, we think it would be of much greater advantage to the fisheries of the district. There is one other point with regard to the powers of the Conservators. They ought to be empowered to remove natural as well as artificial obstructions across a river calculated to impede the free passage of fish, and to lay obstructions where they deem necessary, for the prevention of poaching with snare nets. There was a very important case that turned up this year on the river Lorne in relation to that question of the removal of obstructions.

9029. I understand. A flood removed it?—Yes. Well, the Conservancy Board thought it was a very important matter, and they applied to two police officers, both at Killybegs and Killybegs, to have a patrol placed on the Lorne during the operations for removal of the obstruction, but the only thing we could get from the two police officers was that each showed a very philosophical interest in it, but they would give no protection. The Lorne Anglers' Association then said: "We have a real live interest and a real live grievance here, and we will apply to the police, and we will send down our workmen to remove this obstruction."

Mr. Gwynne.

9030. What was the obstruction?—A man built a big bank of gravel right across the river, leaving merely an inch of a dribble of water over the top of it.

Dr. Mahaffy.

9031. And your people were just coming to take action when a flood came and carried it away?—Unfortunately, that was not the case. That would have been all very well, but we were endeavouring to negotiate in the first instance with the District Inspectors having charge of the Constabulary in two divisions, and then, failing that, we tried the Department, and the Department was good enough not to even acknowledge the letter, but to refer it to Mr. Hensley, the Clerk of the Killybegs District.

9032. What happened then?—The local Board of Conservators took action then, and got a number of men together, and were about doing it for themselves, and we applied for a patrol to be on the place, and

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MR. JOHN SCULLY—continued.

[KILLARNEY.]

Dr. Mahaffy—continued.

just when we were arranging the week-end, and the police wouldn't come except to see the fish, the flood came and removed the obstruction. The point I wish to make is, that really the Board of Conservators ought not to wait five or six weeks for a flood to come to do all this.

Mr. Guyan.

9663. Why couldn't you take the men at first—when you were going to do it at any time why didn't you do that at first?—We were dealing first with the Board of Conservators, and asked the police to come and assist us in doing that, and they said no.

9664. Why didn't the police assist you in doing it?—We didn't ask their assistance; we wanted their pro-

Mr. Guyan—continued.

tection, because local people being interested in the maintenance of this bar there was nothing more likely than that there would be a force fight over it.

9665. Mr. P. J. Kelly—My question is, in Mr. Scully's opinion what does the Killarney Association pay as licence yearly?—The Anglers' Association?

9666. Both the Angling Association meeting in the Killarney district and the Killarney portion of the Association, of which you are Secretary?—We have no sets.

9667. What representation have the Killarney gentlemen on the Board of Conservators?—I think none.

MR. P. J. KELLY CONTINUED.

Dr. Mahaffy

9668. What is your business?—My business is that of a fish merchant in Croomane and Killarney.

9669. Where do you get your fish; is it from all the districts round?—No, I generally get my fish from the net fishermen in Croomane.

9670. And what you have got to tell us is how the fishing is going on?—Oh, yes, the net fishing in Croomane for the last three years has shown a great decrease. In fact, this season it is practically nil, compared with other seasons, and the reason of that is owing to the insufficient protection that the spawning fish is getting in the small rivers.

9671. Tell me exactly where your net fishing is—in it in the estuary?—From Cough bank to Coonan's Point, six English miles from this west.

9672. And what kind of nets?—Seine nets—draft nets.

9673. And you say that the fishing has gone down in value greatly?—Yes.

9674. Is there any increase of nets?—No, sir, there has been a falling-off of nets even before my time. I think a falling-off of 30 or 40 per cent.

9675. The sea-net fishing has gone down. Are they only Laune fish that you catch out there?—The width of the bay where these men fish is three miles in one part, that is the narrowest part, and from that to five, and the net they use is about 80 to 100 fathoms long, and the fish they catch usually kill themselves. It is a most peculiar thing. The fish that the fishermen catch in Croomane must kill himself. He must choke himself by some means. He must try to jump, or else to double in the water. They run the net round him there, but owing to so many boats being in with a short space there are what they call docks along the strand. One man has 100 yards in the mouth and fishes in it, and another man has 150, and they move on the tide. There is no night fishing, so to speak. These men pay a £3 licence. They have to buy new nets, ropes, and so forth, and keep three boats in repair; and with some men that gave me practically all their fish that they killed this year, the amount of one boat—the total fish was £3 18s. 8d.

Mr. Guyan.

9676. How many men?—Four men. After going to about £3 expense, their total catch was about £3 18s. 8d., and the last catch in the place this year was about £45. Take £8 from £45 and it leaves a small amount of money to be divided among four men to put over a period of about three months.

Dr. Mahaffy.

9677. But then the hatchery in the river ought to help very much?—My experience of the hatchery is that, that I have seen no practical increase.

9678. From the hatchery?—From the hatchery. For instance, I have personally seen the first peal that was killed this year in Croomane, and that was a pound weight, and the last that was seen on the very last day of the season was a pound and a half. Formerly we used to see no peal in Croomane under 7lbs and 8lbs in the month of July, but this year it was exceptional. A peal of 8lbs. was over the average

Dr. Mahaffy—continued.

weight, and the usual peal was, we will say, 4lbs. or 5lbs.

9679. And have you any reason to give for that?—My opinion is that they were hatchery fish. My observation of the gills, or peal as we call them—what we call straight backs—is that they are mostly all hatchery fish, whereas the one with an oval back is the natural fish, and in nearly every case it is the heaviest fish. With regard to the protection of the small rivers, I am now speaking, I think, for 21 boats in the district, and four men in each boat, and these four men really represent four families, and we held a meeting (what is their benefit to my benefit), and we came to the conclusion that it would be well if you gave a trial of putting gratings on the small rivers, or if you would like to grate them all. Give one a trial of grating it. There are some people that will say that by grating the river, when the first fish deposits the spawn the next fish will come and disturb it. Put three gratings on it. Divide it into three divisions. Divide two miles into three divisions. Put one grating on at the top, and when the first run of fish comes up and spawns, and then put a second grating and the second run of fish comes up and spawns, and the third will have the main river for any section of fish between that and the gratings, and have all these properly protected by well-placed hauls. Pay them well, and have the aid of police protection, and I am sure that you will see an increase.

9680. Is there any other point that you have to make?—Well, with regard to the 21 boats in Croomane, we haven't a representative on the Board of Conservators, not one.

9681. If you would get votes, is there not an election?—We have votes, but we get out-voted by others who can gather up votes.

9682. You have one vote for each net?—No, sir, we have only two, whereas the old men have one for one licence. We have only two votes for three pounds, which really makes no vote at all. We are as much interested in the protection of the spawning fish as the Killarney men are, because it is really the source of supply. The Admiral may get up and say Croomane is a terrible place, and he wants police, and this, that, and the other. There is no necessity for police, and men notably gave up fishing in the second week of July this year for want of fish. After being there last year, and going to the expense of nets, they had to give it up as it was no use. We think, also, some money should be given by the Development Commissioners, and that the representation on the Board of Conservators should be changed, because there are really ex-officio members on the Killarney Board that have no interest, and some of them that are ex-officio members haven't actually taken out a rod licence. What interest do they possess? None whatsoever, but he is on the Board because he is a magistrate living on the banks of the river.

Mr. Guyan.

9683. How can they be members if they have not taken out a rod licence?—Maybe old connection with the Conservators entitles them to be rated.

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Mr. P. J. KELLY—continued.

[KILGORE.]

Dr. Mahaffy.

9681. Any other points?—There is one point. A prosecution occurred in our district against four boats for illegal fishing at the mouth of the Caragh river. Well, the mouth of the Caragh river—we can't tell where it is. It is defined on the map from the river Lough down to a point in Doolee. From the point in Doolee there is a little tower which goes on to another point at the Black Point where there is another little tower. That is the only mark that the fishermen have that they can't go inside. We were prosecuted for fishing out in the water on the Caragh bank where we couldn't tell whether we were inside or outside, and I think really the matter was only the difference of a couple of yards, and I think it is very hard on the fishermen, but they took no action, as they said Mr. McClure would put down the thing and he given did. And they said that this particular Caragh bank, at low water, when the first of the fish is coming, is a great source of revenue to the fishermen. There was no fish at all, on this particular bank, and by the least mistake you might go inside the point, and be prosecuted.

9682. Anything else?—Then, about those bailiffs that are employed by the Conservators, really any man of 40 or 70, so old-age pensioners, is not fit to protect the fish. We suggest that if the Conservators increase the salary, and pay the men a fair wage, they will be able to protect the fish.

9683. Do you suggest that we ought to have 30 for the limit of age instead of 20?—It wouldn't matter if they had good men. We all know that in Government ports we are not confined to 30. You could get an able man at 50 or 60.

9684. Sometimes. Have you anything more to say?—I have nothing more to say, except that I agree thoroughly with the suggestions made by Captain Crane as regards the police protection, and I think his suggestions, if they were carried out, would do a great deal of good.

Mr. P. F. McCLURE, examined.

Dr. Mahaffy.

9685. What are you?—I am a small farmer and fisherman.

9687. A net fisherman?—A net fisherman.

9688. Outside?—In Cromane, where this gentleman is after talking about.

9689. What have you got to tell us?—Not a great deal. I think he told what I have to say. As regards what I have to say, I don't think I can proceed much further, but our salmon fishing has decreased a great lot for the last few years, owing to, I think, no protection up the rivers at the spawning beds. That is as much as I can suggest, sir, and there is no use in making a story of it. I well remember when I was a young fellow, when I started fishing first, that we had numbers of salmon superior to what we have now, and bigger in many cases; and we fishermen in Cromane are under the impression that it is for want of protection on the spawning beds that our fishing decreased.

9700. Have you ever thought of helping protection at the spawning beds?—Well, if we could afford it.

9701. Couldn't you send a man up to help the bailiffs?—Well, I don't think we could. What we could give towards it is small, the price of our licence, &c. Do you mean help?

9702. Help to watch the river up there in the close season when you are not fishing. Couldn't you help to do that by sending a man to watch the upper river?—If a man was paid to a certain degree, of course, he would go.

9703. He would like to go?—He would like to go for his own sake.

9704. That is a new idea?—I don't understand it yet.

9705. Is it your interest to look after it?—It is our sole interest to kill salmon fish, and without the fishing industry we could hardly get on at all.

9706. And if you had a case of return up there, and he was paid two or three pounds, he would have a greater interest in it than?—He would.

Mr. Cullenwood.

9686. I should like to ask you about representation on the Board of Conservators. I gather that your argument as representing the nets is that you think they should have a better representation?—Well, I think 21 boats which pay 60 each into the funds of the Conservators should have some representation. They should have some man to look after their interests.

9689. I wished to know if you wanted an alteration in any other respect. Do you think the number of members unduly great?—I think the Board is too large by far.

9690. And where would you cut it down?—I would really cut it down by giving representation per mile to the tenant proprietors.

9691. Don't you think that netless proportion would lead you in considerable difficulty, because in some of the rivers you might have many miles of very little value?—Well, really, the Lough is the only valuable river.

9692. Then, you are speaking only about the Lough?—Entirely about the Lough.

9693. About those hatchery fish, did you ever try to mark them at all, so as to identify them?—I have got a marked fish. I have bought one, and the man that got the fish said it was a hatchery fish. I have never heard anything about it since.

9694. But you said those hatchery fish could be distinguished by the size, and it was said that they didn't rise, and so on. I want to know if you have any real information about that?—I don't say at all that they are hatchery fish, but we believe they are. We are not positive. We can't be positive.

9695. You haven't any identification mark?—No; because if any of those fish have been marked on leaving the hatchery, we have never got one.

Dr. Mahaffy—continued.

9707. And he would make a first-rate bailiff. And do you think that would be done?—Well, I would be willing to go myself if I was young enough.

9708. Another man would do?—Certainly. What Captain Crane said to-day. I took notice of what he was saying. Of course, I am not an expert in the line of explaining myself, but I understood everything he said and everything he suggested, and what he suggested was in the line of getting police on the river top to guard the spawning beds. And another reference was what Admiral Jefferys made as regards below, in the line of attaching an increase on the licence. I don't think that would suit us well at all.

9709. You would be as good as any police if you were at the head of the river?—I am sure I am as big and ugly as any of them.

Mr. Gwynn.

9710. Do you fish for herring and mackerel?—Yes, sir, I do fish for mackerel.

9711. What is the first fishing that you do in the year, beginning with January?—Well, at home or abroad do you mean?

9712. Any place?—Well, I fish generally outside the bar for mackerel and herring.

9713. When does that fishing begin?—The herring and mackerel season begins in September and ends in February, so that it comes into the two years.

9714. When do you begin salmon?—It is not hardly worth while to begin it till the last of May, and if the weather doesn't permit it isn't agreeable to begin at all.

9715. And you will be fishing till August?—Till the 31st of July, if it is worth while.

9716. And then you have your farm to mind?—Well, yes, and if the sea harvest is any better we go and reap it.

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MR. P. F. MCCARTHY—continued.

[KILLARNEY.]

Mr. Gwynn—continued.

9717. What are you doing in the months of October and November, in the salmon spawning season?—Well, formerly there was another industry in Castlemaine Haven, which, I am afraid, won't be very good in future, and that was the mussel industry, and it wasn't exactly well protected there. The development of it wasn't very well carried out.

Mr. Gwynn—continued.

9718. It was fished out?—No, sir. It was fished out one time, and it was left unfished at another time. At this very moment they are insupportable, and the mussels in the bay of Castlemaine Haven are worthless to us at present.

9719. And you think some of your men would be willing to work with the bailiffs?—If they got any way well paid.

MR. TIMOTHY SORRELL, continued.

Dr. Mahaffy.

9720. Are you a fisherman?—I am, sir.
9721. Of the same kind as the last witness?—Exactly.

9722. Are you in the same boat?—No, sir.

9723. Another boat?—Yes.

9724. You fish in the same way?—Fish is the same way.

9725. You heard what he said to us?—I did, sir.

9726. And you agree with him?—Yes.

9727. Have you anything to add to that?—I have not, but I know well that if there is no grazing on the small rivers we will not have any salmon at all. That is the one thing.

Dr. Mahaffy—continued.

9728. He said the same thing. I thought that those rivers were always poached for salmon?—No, they were poached sometimes.

9729. In the old times, when there were a million more people living, up at the heads of the rivers there was just as much poaching as there is now?—Well, I don't know. There was not, because people didn't know about poaching in those times the same as they do now. In the small rivers that are salmon rivers they dynamite and lime now.

9730. Spawning fish is no value to anybody?—No value to anybody.

9731. Now, have you any new point to make, or any suggestion?—No, I have not.

MR. E. CONNELL, examined.

Dr. Mahaffy.

9732. What is your interest in the fishing here?—I am head water bailiff of the Killarney district, and also in charge of the hatchery there.

9733. And how high up to your duties take you?—I suppose a long distance?—12 miles from Killarney by road.

9734. And you have a good many men under you?—In the winter time, yes; about 26.

9735. What have you got to tell us in this matter?—Well, it is most important to put gratings on the small rivers, because in spite of all that could be done the fish go there and spawn, the early run of fish. They all go to the furthest point, and hardly any of them come back again.

9736. And you think the small streams ought to be protected with gratings?—It is most important.

9737. Are you sure that if you interfere with nature you will not spoil the thing?—If I had my way I would take more fish and extend the hatcheries.

9738. The hatcheries?—Yes, especially the hatchery at Killarney, because you could extend it very much.

9739. Other witnesses have said that the hatchery is no use?—They want to have something to say.

9740. And you think the grating of those rivers is the thing to do. Have you anything else to suggest?—Well, as regards the assistance of the police. That is another serious matter.

9741. You heard what Captain Crane said?—I did, and I thoroughly agree with Captain Crane's view, if one policeman could be got to go with two or three men.

9742. There appears to be some rule that makes it difficult to get policemen except in pairs?—We will find out about that.

9743. Is it your opinion that the fishing is getting better or worse?—Well, it is not improving somehow.

9744. But isn't the net fishing in the lakes of Killarney very good now?—Well, it was in the early part.

Dr. Mahaffy—continued.

9745. Some say the summer fish don't seem to come in?—No, there is no run of peal lately at all, except very, very few.

9746. Have you any new point?—Well, I have not, sir, except as regards the others along the river. It is most important that some one or some association should take over those fishings from the altogether, and rent them.

9747. If they are willing to give them?—I think if they didn't agree it would be all to their own loss.

9748. If they didn't agree, but it is not easy to get them to agree?—Oh, I think they would agree.

9749. I am glad to hear you say so?—That is my belief, that they would.

Mr. Calderwood.

9750. You have 26 bailiffs in the winter time?—Yes, sir.

9751. How many in the summer?—Only two.

9752. What would be the average age of the 26?—Oh, about 35, I suppose.

9753. So that it is not very old men that you have?—No, there are no old men at all, sir.

9754. How do you appoint your bailiffs in the spawning season?—Well, it all depends on the weather. If there are floods I send some of them to different places on the upper waters or small tributaries where poachers very often set a basket and take them when the men are not there, at any place where the water goes down.

9755. And do you get constables to accompany you on any occasion?—I never did, till last year.

9756. You never had a single constable?—No, I never had a single constable.

9757. But you have generally two together?—Two together, yes. I didn't apply to the authorities for them at all. I just asked them, and they came themselves. They were doing ordinary patrol in the district.

MR. THOMAS MANGAN, examined.

Dr. Mahaffy.

9758. What is your interest in this fishery?—As a public man, sir, being elected in this division on the Rural District Council.

9759. On the Board of Conservators?—No, the Rural District Council.

9760. Are you a fisherman?—No, but I have great intercourse with the people generally, and especially with the fishing people.

Dr. Mahaffy—continued.

9761. And, therefore, you have something to add?—I can reflect largely their opinions, and it is my opinion that the farmers have no interest in fishing, and that if they own the fishing rights, they don't develop it, they only let it to somebody else; and I beg under that head to suggest now that the Congested Districts Board when buying this estate should have full power to compulsorily acquire the fishing from the

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MR. THOMAS MANOAN—continued.

[KILLARNEY.]

Dr. Mahaffy—continued.

mouth of the river into Killarney, or as far as that estate goes.

9762. And the Congested Districts Board have bought all this estate?—They have bought the best portion of it.

9763. Whose estate was it?—Lord Venky's; and that is one of the reasons why I was anxious to give evidence before you, because it appears to me from the general tenor of your remarks that you seem to think that there was no reason why the law should not be in a position to acquire those for the people. I don't see any difficulty. If the Congested Districts Board have acquired this estate I think they ought to have the power to acquire the fishing in addition to it.

9764. In some cases they have reserved the fishing, we hear?—But in that particular case, at all events, they have not.

9765. That appears to have been a blunder on their part, and if they had got that whole fishery in their own hands they would have power to make arrangements with all the tenants afterwards?—Yes, the Government, which ought to be most interested in the development of the country, ought to see the best means out of it after the Congested Districts Board had taken it over. That is my argument. Now, I am strongly in favour, of course, of the grating of the river. It is a very old, prevalent idea here among the people and amongst the more intelligent people and amongst the fishermen, that a great deal of the money of the existing Board of Conservators, which, by some very peculiar kind of (I don't know what I should call it) accident, happens to have forfeited the confidence of the people whose interests it is supposed to protect, is wasted. And I may have from this chair, sir, before you, that the Board of Conservators, instead of watching the interests of the men whose interests they ought to protect, are dumb, leaving a great deal of valuable money to go to waste in the destruction of spawning fish up the river, my point being, that according to the opinion of experts, I believe, the sperm of one salmon is likely to produce, under normal conditions between eight and ten tons of fish. I don't know whether that is so or not, but I am of the opinion that it is true, and fishery experts have said so at all events.

9766. But you were talking of the right of grating in the fresh water?—I was. The present Board of Conservators are not doing their duty to these poor men at Croomine in leaving fish to be killed in the upper rivers, and several witnesses have suggested that there should be gratings put on the rivers. The style of the grating is only a matter of detail. My suggestion with regard to the matter of the grating is this:—Take a limit of two miles from the mouth of the spawning river and build cement, or stone, or wooden pillars and attach on iron grating to it. I dare say you often see it in many places I have seen it done at the Waterworks at Cork, for example, where they purify the water before it is brought into the filtering beds. Now, at a given point, let a grating be put down. It is a common opinion among fishermen, and the oldest fishermen will tell you that there is a great deal of the cause of one fish rotting up by another, that these fin the rear of the other. If there is congestion round about that grating where the fish come up to spawn, it is quite possible that there would be a large destruction of spawn by the fish disturbing each other's spawn. If there is a man in charge who knows his business, and if he has another grating a little further off he can leave this down and leave the salmon there for a time till they become spent fish; and I say that any capable man, discharging his duty honestly, ought to be able to know when congestion sets in, he would become an expert in a short time.

9767. That is a detail, but we are on the principle?—I am in favour of the principle that there ought to be a grating. There is one thing in connection with this. I can't point out places on these rivers, but supposing for two miles, or one mile, or whatever it was, first of all, there ought to be a man that is fishing during the open season and getting his living by the sea, because it would be his interest to protect the fish.

9768. I put that to a witness just now, and asked him would he be willing to go, and he said he would

Dr. Mahaffy—continued.

if he was paid?—Well, I respectfully suggest that if he was paid £1 a week he would very quickly go there. I say, sir, that the salaries paid presently to these bailiffs are too small. The people there are their neighbours, and they are dealing with their neighbours, and if they catch a man there at all he is generally a neighbour, and I respectfully suggest would you talk out with your neighbours for the sake of a few shillings? And that is my point. Of course you have evidence before you that the men in Croomine got no fish recently at the end of the deer season, I thoroughly agree with Captain Crome's evidence also, that in the close season the police should be sent up on the rivers, and, undoubtedly, I think every person around this district will agree with that. And the next thing is that the form, at all events, of the Board of Conservators is a very serious matter to bring before this Commission, and I think that most of the elected members of the Board of Conservators presently are not exactly such as to command the confidence of the people.

9769. What do you propose?—My proposal is that the ex-officio members should be done away with; and the second point is that any man who has got a certain number of votes according to the license (£2 license, for instance) should be elected a Conservator. Under the present regime I think the election of Conservators is largely perverted with influence.

Mr. Caddenhead.

9770. Do you propose to do away with the ex-officio members altogether?—Yes. Well, of course, gentlemen having large fishing interests should be useful. Then as to gentlemen with red licenses, I know several members of this Board in this Killarney district who have taken out licenses merely to be a member of the Board of Conservators, and these men are useless.

9771. So that a person who might be at present an ex-officio member could still be available, having taken out a license. They would come in as that way, merely as representing the red-license holders?—I don't think they should be. Well, of course, if they are elected.

9772. They might be elected if they are not ex-officio. You propose, first of all, to do away with the ex-officio members altogether?—Yes.

9773. Such members as would at the present time be ex-officio members you propose by your suggestion might still become members of the Board when elected by license-holders?—Oh, certainly.

9774. And would you have the elected members apportioned so that the interests of the district might be fairly represented?—I would suggest according to the votes; but I certainly say the red fisherman is one gentleman who takes out a £1 license and fishes for pleasure, and becomes a member of the Board of Conservators, and he has got a vote, and the poor man with the crew that are on that boat, perhaps four or five (and families are depending on those men) is fishing for a livelihood, while the other gentleman is fishing for pleasure, and I don't think that it is right that he should have half the same representation as that boat; that for £1 license he should get one vote, while for a license of £5 they get only two votes. Then, on the other hand, there are four men interested in this case. I don't think that is fair. I think the influence of the red-license should be decreased, and the influence of the fisherman's license should be increased.

9775. How many men would you have in the Laune district representing the nets?—I should give every man who lives by fishing a vote in the election of the Conservators, subject, however, to such restrictions as would protect the Laune Fishery Company, who employ men and take out licenses in their names, from enjoying their present monopoly to the detriment of those who fish on the outer waters, namely, Coomine, Glurane, Douglas, and Callinacree banks, as well as the upper waters of the river to Killarney. A Board constituted on these lines would command the confidence of the fishermen and do more for the development of the fishery all round.

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Mr. W. J. GUYAN, examined.

[KILLERGLIN.]

Dr. Mahaffy.

9778. Are you a member of the Board of Conservators?—Yes, sir.

9779. Are you a trout fisherman?—Yes, sir.

9780. What do you want to say?—I have fished a great many parts of Ireland, from Donegal down to here, and not having heard anything about trout fisheries in the evidence given before you, I thought I would speak to you on that matter. I think the white-trout fishing ought to be much better protected than it is. From Killerglin stations boxes of white trout are sent away that have been caught illegally, and I think some power should be given under which these could be seized and stopped.

9781. How are they caught illegally?—With herring nets and other illegal nets, all of a small mesh, on this river and brought in here, and I have seen dozens of boxes sent off with these trout, and I think it would be well to have a small licence put on. I don't mean to licence brown trout at all, but I think there should be a licence of 5s. put on white trout alone, which would bring in a considerable sum of money.

Dr. Mahaffy—continued.

They would take out licences, and it would bring in that additional licence to the funds of the Conservators. They won't pay £1, but they will pay that. And it will also bring a good deal of people to the district. It is a most disappointing river. I am living here eight or nine years, and I am very much disappointed in it, compared with other rivers that I have fished.

9782. This has never been a good sea-trout river?—I don't know about that, if they get the fish coming into the mouth of the river, and you know they are sent off from here in boxes. They are caught with these illegal nets. They are caught in the weekly close seasons, on Saturday and Sunday, and every time that I have been out at Dooks on the golf links on a Saturday I see men fishing there in the close time. They might fish salmon rivers more than others, but there are quantities of trout that are caught illegally sold, and if this was stopped there would be better angling, and it would bring tourists and a lot more people to the district.

Mr. M. O. DOHERTY, examined.

Dr. Mahaffy.

9783. Where do you live?—I live in the town, and I am a fisherman. I speak only of angling. I am not interested in the fishery in any other way.

9784. What have you got to say?—I wish to say something in reference to Mr. Guyan's remarks about killing white trout. It is the herring nets that do the most injury, because they kill off the small salmon. I believe they do it in ignorance.

9785. Is it with the herring nets?—Yes; and if the people in Crossnacreevy only knew that they were killing small salmon they would stop it themselves, because they are killing their own industry. When these small peal come in they are mistaken for trout, and last November I saw some that were sold as white trout, but they were really young salmon. Now, I hold that the fishermen fishing with these herring nets for sea trout can catch the young salmon which remain in the bay till they get strong. Then they go out into the deep water.

9786. How can you stop the herring nets?—I don't know how, except to appeal to the people themselves. If they knew they were killing young peal they would stop it. They mistake them for trout.

Mr. Guyan.

9787. Do you mean that the men will stop fishing for herrings merely because they happen to kill a peal?—I don't object to their fishing for herrings at all.

The Committee adjourned.

Mr. Guyan—continued.

What I say is, that they sweep the young peal with them.

Mr. Calderwood.

9788. How do you know these fish are young salmon. If you could prove to me that you have got young salmon here in November, I can only say it is the only district in the whole world where there is such a thing?—It is about a pound and a-half, and there is no pen in it.

9789. Have you applied any decent test to know whether it is salmon or trout—have you counted the scales?—I have not counted the scales. I am not an expert. I believe they were young salmon.

9790. You know the adipose fin on the back.—Yes. 9791. Then begin to count down, and if you get 14 scales you may regard it as a trout. If you only get 11 or 12 you may be perfectly sure it is a salmon. Do that?—I am afraid I would be doing injury that way.

Mr. P. J. Kelly.—I had one sent away in July.

Mr. Calderwood.

9792. July is different from November, Witness.—From the appearance of these fish they did seem to me to be small salmon. I can't go any further than that.

Dr. Mahaffy.

9793. Have you any suggestion to make?—The gisting of the rivers is more important still.

TWENTIETH PUBLIC SITTING.

TUESDAY. 19th SEPTEMBER, 1911.

AT 9.30 A.M.

At the Courthouse, Listowel.

PRESENT:

THE REV. JOHN FORTLAND MAHAFFY, D.D., LL.D., C.V.O. (in the chair).

Mr. STEPHEN GWYN, M.P.

Mr. W. L. CALDERWOOD, F.R.C.S.

Mr. H. H. LAW, Secretary.

Mr. W. M. McELLSGOLLY, examined.

Dr. Mahaffy.

9794. I see you are honorary secretary of the Fiske and Cusker Sub-Committee of the Limerick Board of Conservators?—Yes, Hon. Secretary of the Fiske and Cusker Fisheries Committee.

Dr. Mahaffy—continued.

9795. The Cusker is the lower water of the Fiske?—Yes.

9796. Where two other rivers join it?—Yes, exactly.

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Mr. W. M. McSHERRY—continued.

[Continued.]

Dr. McSherry—continued.

9797. Then there is the Galley?—It is not used generally as a fishing river. It has been poached to such a fearful extent that it has not been used as a fishing river.

9798. Does that come from the north or south?—From the north.

9799. What is the length?—I would say the Galley from source to mouth would be, roughly speaking, about 30 miles.

9800. It is a great spawning river?—It is an important spawning river.

9801. On the south side another river runs in, I believe?—The Brick.

9802. Is that of importance?—No, it is not at all of importance.

9803. How many miles is that?—I should say the Bruck is about 18 or 20 miles.

9804. Is there any fish in that?—No.

9805. Only spawning?—Only spawning.

9806. And the river comes down from Abbeyfeale?—From above Abbeyfeale.

9807. That is a very long course?—Yes; the river Feale is a wonderful river for its extraordinarily tortuous course. Counting its numerous bends, I should imagine it would be 75 miles long.

9808. And how far up is there fishing on that?—Up to about five or six miles above Abbeyfeale on more.

9809. And then the head waters about Brooma?—There is fishing also at Brooma.

9810. Is it a sea trout river also?—Yes.

9811. How can the strangers fish it up to Brooma—can they come to Abbeyfeale?—Yes, a considerable number of strangers do come up to Abbeyfeale and fish.

9812. At Brooma?—Yes; but I am afraid it is scarcely worth their while unless the river improves.

9813. The head waters have recently come into the hands of tenant owners?—Yes, whatever fringes the head waters have, I believe.

9814. Now, with regard to the fishing, is the Feale a good fishing river?—I should imagine that the Feale is one of the very finest rivers in Ireland.

9815. Have there been good days on it, and what would you call a full fishing in a day?—Yes, I have known men to get seven and eight fish on the Feale recently with rods.

9816. Is that fishing all free?—No, not all free.

9817. Who preserves?—A stretch of it is preserved by the Knight of Kerry and a stretch by Mr. George Mahony, and another stretch by Mrs. Cooke, of Tramore, that is below the weir; and there are several weirs below the weir, that is, below Liscroft, which are owned by individuals who do not prohibit rods from fishing. They net it. That is in the fresh water.

9818. Do those owners own both sides or one side?—Some own both sides and others own only one side. Mainly one side.

9819. And the river is pretty broad. A rod can't fish both from one side?—Oh, no, it can't.

9820. Where does the fresh water netting begin?—The fresh water netting begins at a place called Kiltoran.

9821. How many miles up from that?—That is about three miles, counting the bends, from here.

9822. Up the river?—Down the river.

9823. That is still fresh water?—That is still fresh water.

9824. Now, more above that?—Yes, there are several nets in fresh water above that—in all I think there are nine nets in fresh water.

Mr. Calderwood.

9825. That is the top netting?—I speak of the upper nettings now. The upper nettings only begin from the mill-dam here at Liscroft and go in fresh water for about 24 miles, I should say, roughly speaking, below that.

Dr. McSherry.

9826. Going down towards the sea?—Going down towards the sea.

9827. Who nets it?—Well, Mrs. Cooke, who has a property there; a farmer named Galvin; and the Tracy's, and several others.

Dr. McSherry—continued.

9828. These are old nettings?—Yes, old nettings.

9829. They have been going on for a long time?—As long as I remember.

9830. Is there any new netting attempted or begun?—No.

9831. You say this river coming from the north is poached in every possible way?—All our rivers are poached in every possible way.

9832. Killing all spawning fish?—Oh, the great trouble is that we have got not only to protect, but to expend no small money in the open season as in the close.

In both the open and the close season we have to do that with the same staff.

9833. The close season wants even more?—It wants even more.

9834. Certainly. Is there illegal netting?—Yes.

9835. What engines of destruction are there? Do they do it with poison?—The chief engine of destruction is dynamite.

9836. That only affects one pool?—But it is of such injury, and it is so generally used now, that dynamiting has latterly got something beyond bounds.

9837. Can anyone that likes buy dynamite?—Oh, yes; the sale of dynamite should be controlled, otherwise it is hopeless to try to preserve.

9838. That is your first suggestion?—It is.

9839. There is no control over it now?—There is not.

9840. Now, what is the next thing that you have to mention in the way of a means of destruction?—Spunge.

9841. Is that common?—Well, it has not been so common in the last year or two, but the practice may be resumed at any moment.

9842. But it is an old practice?—Yes. It has done a tremendous amount of harm.

Mr. Guyan.

9843. Which river?—The Feale principally, the Feale and Brooma.

Dr. McSherry.

9844. Has lime been used?—Lime has been used, but not frequently.

9845. They cannot get it, perhaps?—Well, it is more difficult to work it.

9846. Of course it is killing the fish with the eggs?—Yes.

9847. That always went on?—Yes.

9848. Is there a large population at the head of this river?—There is a large population at the mouth of this river. For instance, at Cushin and down there there is a large population depending on fishing.

9849. That is on the estuary?—That is on the estuary.

9850. How many nets are there on the estuary, do you think?—There are about 15 boats.

9851. And what kind of nets?—Drift nets.

9852. Some nets?—Yes.

9853. Nets that they throw round them?—Yes.

9854. And do these people make a good livelihood?—Well, they have done better this year than in many years past.

9855. Is it an early river?—Our season does not open here till the 1st of June.

9856. Then it is a very late river?—I beg pardon—till the 1st of May last year. Now we open on the 20th of March.

9857. And the Fishery Board did that for you?—Yes.

9858. And was that a right thing to do, in your opinion?—I certainly think so.

9859. It is still a comparatively late river?—It is; yes.

9860. Is there a run of sea trout?—Some years, not always.

9861. And can we get evidence of how these nets do?—Oh, yes.

9862. Now, what suggestions would you like to make?—Well, with regard to the first question on this agenda paper which asks—What effects the transfer of riparian lands to tenant purchasers have had on the

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MR. W. M. McELENORE—continued.

[LONDON.]

Dr. Mahaffy—continued.

fisheries, and how the tenants are using their newly-acquired fishing rights? I say that these fishermen on the rivers are at present of no value to their owners; firstly, because they have got no fringes—at least their fringes is so small that it is hardly worth their while to expend anything themselves individually.

9863. All the way up the river?—All the way up the river, yes, particularly; with the exception of one or two of these private fisheries that I have mentioned, Mr. Mahaffy's and the Knight of Kerry's; and in answer to the third question, I would suggest that the interests of these small owners should be pooled and that the control of their different fisheries should be handed over to a certain body, composed possibly of a proportion of Conservators and of the owners themselves; and that that body or committee should let those fishings to persons that would come to visit the district. They would retain a portion of the fishing money, say one-third or one-fourth, to be applied to protection, and the remainder would be divided amongst the farmers who owned the fisheries.

9864. There are so many farmers on the banks that it would come to a very small sum for each?—Yes, but I don't really see how in any other way you can make the fishery of value to them.

9865. You have a Board of Conservators that sits here?—No, in Limerick.

9866. That is a long way off?—Yes, it is a long way. I think they ought to sit here sometimes.

Mr. Culliswood.

9867. Does your Committee sit here?—Our Committee sits here.

Dr. Mahaffy.

9868. A Committee of all the Conservators?—Yes. If you permit me I should like to tell you what has been done in the last five or six years about the river here. I think more has been done by the people locally here for the river than almost in any other district in Ireland, and it started in a very small way. About six or seven years ago a gentleman came to live here who was a very good sportsman, and took an interest in the river. That was a Mr. Finch Hinton. Well, Mr. Finch Hinton and myself had a talk about what might be done to improve the fisheries. We tried to get the interest of the local rod man, and induce them to become members of a Committee, which would do something for the improving of the river.

9869. Were they local gentlemen or poor men?—There are really very few local gentlemen who are rod men.

9870. Poor men?—Yes. When we got at that point of the forming of a committee we proceeded towards our main object, but we found that we couldn't get along that way, so we formed a little committee of more independent persons, and we held a meeting, and approached the Department of Agriculture, and got a grant from them of £50, provided we found £40. A question was raised as to whether it would be a prudent thing to have a salmon hatchery. Most of the committee were of opinion that a salmon hatchery was of small consequence as compared with the protection of the spawning area. While I myself more or less agreed with them, still I thought that it would be an excellent thing to have a salmon hatchery, and so the public would have some demonstration of what was being done for the fisheries, and they would have a tangible proof that something was being really done. They would see the young fry that had developed from the ova, and would understand to some extent of what great value the rivers were. So then we went on in that way for some years, and the local Conservators suggested at the Limerick meeting that an Act of Parliament should be passed, giving powers to the Department of Agriculture to alter the close season. That came to fruition some time ago. The Act was passed mainly owing to the perseverance of the Conservators of this district. Of course, there have been many prosecutions for poaching in the close time, and many fines have been inflicted, and these now have helped in a very, very large measure to support the river, and

Dr. Mahaffy—continued.

the river has improved from the date on which the first committee was formed, and still continues to improve in the face of great difficulty.

9871. You protect it through bailiffs?—Oh, yes.

9872. Do the bailiffs get the prosecutions?—We give the bailiffs one-third of the fines.

9873. Are the bailiffs local men?—Many of them are not. Some of them are and some of them are not.

9874. The great difficulty about getting local men is these hating friends?—Of course that is a mistake.

9875. How many bailiffs have you on?—That varies with our price.

9876. In the winter how many?—Well, about six or seven for about 300 miles of river.

Mr. Guyon.

9877. What do you pay them?—£1 to £1 5s a week.

Dr. Mahaffy.

9878. And they do nothing else but that?—Oh, nothing else. We would not have them doing anything else.

9879. Do you get help from the police?—That is a point I should like to make an observation upon. Of course, as you can see, our resources are extremely inadequate, and I think that special instructions should be given to the police. They get some help from the police. The police have had prosecutions, and certainly where the police have been able to give their time to work of that kind they have done a great deal of good.

9880. What generally was the offence, or what were the prosecutions for?—For getting or for poisoning?—Oh, for every conceivable form of poaching.

9881. For sparge?—Yes.

9882. And was the case proved?—Yes.

9883. And was the full penalty imposed?—Very often penalties are remitted. A man here was fined £4, and that was remitted.

9884. I suppose in the Castle of Dublin?—I presume so.

9885. Have you anything to suggest about that?—Well, I think you will have other evidence on that point, and I think it is apparent to anybody what should be done in a matter of that kind.

9886. Is Mr. Finch Hinton here?—I am sorry to say he is not.

9887. Did anybody come in his place?—Yes; there is Mr. Butler. He lives here, but he is not a member of our Committee at present, though he takes a very real and deep interest in the fisheries.

9888. And you think the whole thing has been worked on right lines? And have you had a large income?—It is absolutely small, in view of the importance and extent of the fisheries; and I should like to point out that there is an immense population down below who are depending on fishing, men paying £5 a year for land at the mouth of the Cuckin, with large families and all very, very poor people; and if these fisheries are not protected, and any portions of the upper waters are dynamited or poisoned, it means depriving these people of their living.

9889. Is there not illegal netting done there?—Oh, there is some. There might be instances of illegal netting all over the river wherever there are nets, because the amount at the disposal of the Conservators for controlling illegal netting is so small. That can't be helped at present.

9890. Is the mouth of it narrower?—The mouth is broad.

9891. Very broad?—Very broad, though it runs to a neck down below.

9892. It would be easy to see illegal netting, would it?—Oh, I think so, provided that there were sufficient men on the estuary.

9893. Now, is there any other suggestion that you have to make?—Yes. I should like to make this suggestion. I think there should be concerted action between the different Boards of Conservators, not merely in this district, but throughout Ireland, and the Department of Agriculture. I see that there should be a periodical meeting of the different Boards

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Mr W M McCLESCOTT—continued.

[Lutonow.]

Dr. Mahaffy—continued.

and the Department of Agriculture held in Dublin from time to time, and the Conservators who have local knowledge should be able to place their knowledge at the disposal of the Department, when they could put their heads together and do whatever was of importance in the interest of the fisheries.

9894. The comparative study of the various rivers is of great importance?—Exactly.

9895. Well, now, in these sayings also?—Well, I think something might be done in the way of educating the public to a proper understanding of the value of the fisheries.

9896. How would you go about educating the people up at Broom?—Well, I would disseminate a certain amount of literature.

9897. Even there?—I would, everywhere. We found it not a bad idea when we started the little hatchery. Of course that was not the main motive with which it was started, but we found it a very good idea. The fry we took out of the hatchery and put into carboys, and called at the different National Schools on the way to the streams where those fry were to be liberated, and showed them to the children, and the children were taken to the hatchery itself where they could see enormous numbers of tiny little salmon, and it was pointed out to them that those salmon, if properly cared and all that, would grow into big fish and add to the wealth of their country.

9898. Would you scatter leaflets among them?—I would.

9899. In English or Irish?—Oh, not Irish. We are not an Irish-speaking people here.

9900. We have had a great many complaints about conservators and that sort of thing, national pests?—Oh, we are not bothered with conservators, at least, not to any great extent.

9901. Have you an otter hunt here?—We had an otter hunt this year.

9902. If you have hunting there must be an otter?—We killed three or four otters on the Feale this year.

9903. Have you any other suggestion?—A fisherman met me the other day and he said—I don't know whether it is practical—that no boat in the weekly close season should be allowed nearer to the river than 500 yards, and no boat should be permitted to have a net in it during the weekly close season.

9904. Can you see the boats a long way out fishing?—It is almost impossible to see the boats out from a distance, because the river winds so much. It winds every quarter of a mile.

9905. And you would suggest that this should be watched. I am sure, during the close season?—Oh, yes, I think so.

Mr. Calderwood.

9906. It was suggested in another place that the nets should be looked up, and that the boats should also be observed in some way.

Dr. Mahaffy.

9907. I suppose to gather the nets and lock them up would be a large job?—I am afraid it would. That would be hardly practical, I think.

9908. Have you got anything further to suggest?—I don't know that I have got anything further to say.

Mr. Calderwood.

9909. I was rather interested in that proposal of yours in which you suggested the pooling of the interests of the tenant purchasers and the courted landed ones to a Board composed partly of tenant purchasers. That is your idea?—That is my idea.

9910. Because if that were done it would practically mean that, that you would have a Board of Conservators plus representatives of the tenant purchasers?—Yes, and those tenant purchasers would not be Conservators. It is only merely to develop their feelings and give them something out of their feelings.

Mr. Calderwood—continued.

At present they are making nothing of them, but they might if there was a controlling body or if their assets were vested, as it were, in this Committee, the Committee would be able to handle them better on behalf of those people who own the fisheries.

9911. And have you any suggestion to make as to how the interests of those might be ascertained, because apparently conditions vary very much in different localities?—I believe myself it presents great difficulty, as the organising of such a Committee would probably cause a great deal of jealousy. For instance, one man has got a fairly good place upon the stream or river, and his neighbour has not got as good a place at all, the man who has got the better water would expect a larger share than the man who has got water that is not so good.

9912. It has been suggested in one or two localities that the tenant purchasers might have some representation on the District Board of Conservators?—I don't think that would be a bad thing to do.

9913. It would give those men an interest in the fishery?—Yes, I think that might make it a valuable fishery, a fishery that was worth conserving. It would be a good thing to have them on the Board of Conservators, but I don't think it would be well to have a man who hadn't a considerable interest.

9914. First of all it would be necessary to have a combination amongst the tenant purchasers?—Yes.

9915. And then to have some representation at them?—Yes.

9916. That seems to me the only way possible. The suggestion of yours introduced another idea. You suggested that in the distribution of the funds portions should be used for the protection of the river and the balance paid over to the tenant purchasers for staff?—Exactly; something that would make it worth their while to see that their fisheries were properly protected and developed.

9917. Is anything done among them just now in the way of combination?—No; these fisheries are open to anyone to come in and throw dynamite or anything else into them.

9918. They don't even protect their own?—They do not.

9919. Who fish the waters that your association control principally?—We control every water.

9920. You simply conserve?—We simply conserve.

9921. And who is it that fishes the water held by the tenant purchasers?—Well, a few tenants come here; a very few come to Lutnow, some come to Abbeyfeale, and fish. They simply pay a pound for a salmon licence. When we catch them at Lutnow we try to get a subscription from them for our Committee. More often than not they escape us.

9922. It is quite a general affair?—Exactly.

9923. Well, with regard to your licence, you have six, you say?—The Conservators' bailiffs vary. They may be any number from four to ten.

9924. And do you keep them mostly on the upper fresh water or do you also watch the tide?—Well, they are mostly kept on the upper waters latterly in consequence of the dynamiting.

9925. Then the fresh water netting actually ceases. I think, about three miles below Lutnow?—I think about three miles below Lutnow.

9926. Is there any fishing of an illegal sort above that by net?—No, not above the mill-dam.

9927. Perhaps there may be between the mill-dam and three miles down?—Well, any illegal fishing that is up there must of necessity be done by people who are themselves riparian owners, because they are the only people who have got nets.

9928. I think the only other thing that I wanted to ask you was with regard to the Board of Conservators, how you find they attend the meetings and generally look after the interests of the district. Do you find that your members attend well?—Oh, reasonably well. There is a condition which, of course, tends to neutralise their interest, and that is that the meeting place of the Board of Conservators is a very long distance from Lutnow and this district.

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Mr. W. M. McEneaney—continued.

[Lisowal.]

Mr. Calderwood—continued.

Now, for instance, to attend the meetings in Limerick the Conservators here must get up, winter and summer, at about 5 o'clock in the morning or half-past five, in order to be able to attend the meeting.

Dr. Mahaffy.

2929. They must get up early to get the train?—Yes. The train leaves here about seven o'clock in the morning.

Mr. Guyan.

2930. I don't quite understand about this. In a place where we have been in the Killarney district there was one district with three sub-divisions, A, B, and C, and each of those three sub-divisions had a general annual meeting once a year, but for the ordinary business they met locally. Now, in this place here a sub-division of the adjoining district?—It really is. It is a sub-division, and yet it is not. This is part and parcel. It is recognised as a sub-division in the sense which, I think, you mean.

2931. What do you mean by speaking of your local Committee?—Our local Committee is practically an independent Committee which has been lucky enough to obtain a grant from the Department of Agriculture.

2932. And it has no official existence?—Well, it has an official existence, and we have had the application of the funds raised from our own licensees, that is to say, we have the expenditure of the funds. Any funds that are realised here are devoted to the interests of this local fishing. Their funds are not mixed with the funds of the Shannon fisheries, but are administered by the Limerick Board.

Dr. Mahaffy.

2933. Most of the red-fishers take out licenses elsewhere?—Many of them do.

Mr. Calderwood.

2934. Is your Board recognised by the Limerick Board as a sub-district Board?—It is, but, of course, we haven't the powers of Conservators.

2935. In what respect?—We can't make by-laws or do anything like that. We are simply here to try to improve the fisheries and make suggestions when anything occurs to us.

Mr. Guyan.

2936. Perhaps Captain Hall will be able to tell me. Is he here to-day?—I expect he will be.

2937. Are you familiar with the arrangements that I spoke of in the Killarney district?—No; I know nothing about the Killarney district.

2938. Has your Committee here any official existence?—We are recognised by the Department of Agriculture inasmuch as we get a grant from the Department of Agriculture every year. We are recognised by the Limerick Board of Conservators inasmuch as we get a grant from them of £15.

2939. Your body here consists of Conservators elected for this district?—Oh, yes, there are three.

2940. And are the others ex-officio members?—Yes, Mr. Shook is a member, and Mr. Power of Cashen is a member; and they make suggestions from here and those suggestions are developed at the Board meeting in Limerick.

Mr. Calderwood.

2941. How many members have you altogether?—We have seven altogether.

2942. Do you think that a good number?—I think it is.

2943. Would it be better to have more or fewer?—I wouldn't object to having more, but not more than two others; because I think you could more easily get a quorum.

Mr. Guyan.

2944. How many of the seven are ex-officio?—Four.

2945. Then you have three elected members?—Three elected members.

2946. And what interest do they represent?—Well, of course, the members of this Committee are practically all on the same footing; that is to say, that the Committee is formed, and if they wish to add to their number they can do so.

Mr. Guyan—continued.

2947. They have the power of co-opting?—They have the power of co-opting.

2948. And have the Committee any representative at the meetings of the Board in Limerick?—Except those Conservators who are members of the Committee, and Mr. Power.

2949. Is he a working net fisherman?—He is the owner of nets at the Cashen, and is largely interested in the river at the Cashen, and nearly all these fishermen down there sell him their fish.

Mr. Calderwood.

2950. This is the same Mr. Power that fishes at Killorglin?—Oh, no, not at all.

Mr. Guyan.

2951. On what right do the net men fish in the Cashen (it is the estuary, I understand)?—It is the estuary.

2952. Is it the common-law right there or is there any ownership in that?—There is no ownership.

2953. Then you have 15 nets fishing on common-law right in the estuary of this river?—Yes, and of course those 15 nets fish from the Ferry Bridge, from a mile or so above the Ferry Bridge, to the estuary, the mouth.

2954. That is all tidal water?—All tidal water.

2955. Does the tidal water go up as far as where the mouth of the Galley comes in?—It does.

2956. Now, how many to a net?—Four?—Six.

2957. Hauling nets?—Hauling nets.

Mr. Calderwood.

2958. Draft nets, I presume?—Yes, draft nets.

Mr. Guyan.

2959. Then is it your opinion that the damage to the fishing is done principally by over-netting of this river, or by the destruction of the fish?—Oh, by the destruction of the spawning fish and other fish, by poisoning and dynamite. These are the chief sources of destruction.

2960. Do you think the river is over-netted at present?—I think there are quite enough of nets on it.

2961. You say that the fishing has been on the whole improved of late?—It has, but this year has been a particularly good year.

2962. I was talking about the net men?—Yes; the net men here have been reaping this year the result of our work for the past four or five years.

2963. And this past year the fishing has improved?—To a material extent, yes.

2964. Does that apply only to the net men or to the upper, the angling waters, too?—It applies altogether to the net men, because there has not been sufficient water for rods, owing to prolonged drought.

2965. Tell me how far up the Foale is the water of any possible value for angling purposes?—From Lisowal.

2966. From Lisowal?—May I take it that there is no angling below Lisowal?—Oh, yes, there is some. There are about two or three miles of angling below Lisowal.

2967. How many miles of valuable angling water?—I should say there are 30 miles of good angling water on the Foale, given suitable seasons; and then you have quite 10 miles on the Galley that flows in above Lisowal. It enters the Foale above Lisowal about a mile and a half.

2968. And then the Galley. Is that angling water?—It is. There are about five miles of angling water on the Galley. There may not be quite ten miles—yes, I think there are ten miles really—of angling water on the Smeragh.

2969. How many miles of angling water on the Foale have no value except as spawning water?—That would be almost impossible for me to say.

2970. There is a considerable length of the river above the point at which the angling value stops?—Well, I don't suppose there are more than about five or six miles that are of no value for angling.

2971. On those 30 miles of angling water in the river I suppose there would be a great number of tenant proprietors?—There are a good number.

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Mr. W. M. McElligott—continued.

[Lisdown.

Mr. Guyon—continued.

9972. Running to hundreds?—I should say about eighty.

9973. Have you ever considered, assuming that you could get this river properly preserved, it would make an appreciable asset if the whole letting value of the river was distributed among the riparian owners who have purchased?—Witness.—If the whole letting value?

9974. Yes?—Oh, yes. The preservation of our rivers would mean considerable wealth to the community generally.

9975. Do you consider that the letting value of the river would realize enough to give each man proportion that would be worth his consideration?—I do not.

9976. Therefore, then, in your opinion, you would like to get a confirmation of the tenant purchasers to secure a permanent interest in the work of salmon fishing in this river?—Oh, I think it would be extremely hard to get the tenant purchasers together. I think it would be a splendid thing if you could carry out such an idea and make it practical.

9977. What I want to get at is this. Do you see your way to giving them an appreciable interest by dividing the whole letting value of the river amongst the riparian owners?—I don't know about an appreciable interest. They would have some interest in it, but whether it would be appreciable or not it is very difficult to say. That would require more minute investigation than I have given to it.

9978. You have suggested a meeting of the Board of Conservators in Dublin?—Yes.

9979. Have you considered what the expense of such a meeting would be?—Well, I have not considered what the expense would be, but I know that no matter what expense it required, the district would amply pay for it.

9980. It would pay your district to send up its own people?—Yes.

9981. And you contemplate that the charge of that

Mr. Guyon—continued.

would fall on the district and not on the Department?—Yes, I am sure the district would not object to it.

Dr. Makeff.

9982. I should like to ask you one or two things more. It was suggested elsewhere that as the net men have the greatest possible interest in preserving the head waters, some of those net men might be got in the close season, in the winter, when there is no net fishing, to help the beatles in the upper river?—I don't think that would work. The netting men here wouldn't do it.

9983. Even if they were paid?—Even if they were paid.

9984. Why?—I don't know. Local sentiment has a lot to do with it, although it would be to their own interest.

9985. It has been observed in other rivers that there has been a great falling-off in the run of peal as compared with early fish. Is that true here?—There have been no peal or non-trout for the last few years.

9986. Is there any good fishing up at the head waters for brown trout, or is it worth while?—Not for brown trout. It has been suggested to me that the Feale is too clean for brown trout. There is another suggestion which I should like to make. I certainly think that there should be some control over the vendors of salmon and sea trout; that is to say, that people who are in the business of selling and dealing in salmon and sea trout should be made to account from time to time as to where and when or how they came by those fish; because that may have some bearing on the question of poisoning or dynamiting the fish in the river here. These fish illegally caught are very often brought into Larne and sold, and I certainly do think that anybody who is in the business ought reasonably to be expected to give an account of the fish he sells.

Dr. Makeff.

That has been suggested.

Mr. A. H. McLean, examined.

Dr. Makeff.

9987. You are Local Inspector of the Congested Districts Board?—Local Inspector of the Congested Districts Board.

9988. I understand that the Board has acquired a property of late at the source of this river?—Yes, they have acquired a property called the Sandes estate, portion of it near Lisdown.

9989. And they have a number of tenants?—Yes.

9990. And a great many of those tenants live at the head waters?—Well, the tenants who live up at the head waters of the river are not so many.

9991. About how many?—I should say there would not be much more than 20 or 25.

9992. They have pretty big farms?—The farms are not so large, but they have got big frontages to the river.

9993. And did the Congested Districts Board preserve the right of fishing?—Yes, the sporting rights, which, I understand, include the fishing rights, were to be sold to the tenants. That was a condition of the purchase originally; I met the tenants in two or three different districts and I explained to them that if the fishing rights—the shooting rights were of very little value—were sold to the tenants the rights would become valueless, because probably a tenant whose holding did abut on the river would not allow outsiders to walk in and fish, as the fishing rights belonged to the whole estate and not merely to the men whose holdings abutted on the river. So I discussed the matter with the tenants, and I also discussed it with the local parish priests, and they agreed that the best thing to do would be to reserve the fishing rights on each tenant's holding, whether it touched on the river or not.

9994. In whose hands?—In the Congested Districts Board's hands.

9995. Have they made any use of it since?—No. The result of negotiations with the tenants was that a clause was inserted in the sale agreement of each

Dr. Makeff—continued.

tenant's holding except one man, who objected to purchase under these conditions, and this clause reserved liberty to the Congested Districts Board to retain the fishing rights and protect the river.

9996. And that one tenant who objected has not become a proprietor?—No, he has not.

9997. How long is this man standing out?—It is about three years.

9998. And he has not got in yet?—There are other matters connected with this tenant's holding as well as the selling of the fishing rights. We will not sell the fishing rights to him.

9999. How long is that river frontage?—It is close on a mile, on the Colles-Sandes estate. We only own the south side of the river. The north side of the river is also, I understand, sold to tenant purchasers.

10000. Is the right of fishing given?—That I could not tell you. They only own one side of the river.

10001. Whose property was that?—Trinity College property.

10002. How broad is the river there, could it be fished from one side?—In some places not. You would want to go on both sides. The river Feale extends to a length of 9½ along the Colles-Sandes estate.

10003. Now, you are only concerned with the fishery in managing the sale of this estate?—That is all.

10004. You heard the evidence of Mr. McElligott?—I did, certainly.

10005. And have you anything further to say or any suggestion to make?—Well, of course, as far as the destruction of fish by poisoning and dynamite is concerned—(these are the principal methods of destruction)—I am in hearty agreement with him. I arrived myself on one of those farms about three years ago, and the tenant of the farm told me that that night the best pool in the river was poisoned, and that over 80 fish were taken out of it. I saw young fish dead along the river, and he showed me the cart that took away the fish.

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Mr. A. H. McLean—continued.

(Lisfarnham.)

Mr. Gwynn.

10006 Was this on the Fiske?—This was on the Fiske, yes.

Dr. McShafy.

10007. And did he object, or had he anything to say to it?—Well, of course, he didn't own the fish and he didn't know anyone that was there, according to himself.

10008. And it was no affair of his?—That I could not say. I suppose not.

10009. And the pool was destroyed so far as he was concerned?—Yes.

10010. And did he feel that?—I don't suppose he was a sportsman. He didn't own the fish and therefore he didn't care who got them.

10011. And have you any suggestion to make in addition to what Mr. McKillop made?—I didn't come here to make any suggestion. I know little about fishing. I am more inclined to shoot than to fish. The shooting on that estate was not very valuable, and therefore the shooting was not preserved. In fact it would have been very difficult to sell the estate if we reserved the shooting. But as regards the sporting rights on estates sold by the Land Commission or under the Congested Districts Board, I would suggest that those rights should be reserved on purchase and resale, or rather that on purchase they should be bought by the Board if they are not properly looked after by the vendor, and on resale they should be reserved just the same as mining rights, mines and minerals.

10012. A great many private proprietors have done that?—Yes. I mean that if there is an estate sold and that there are sporting rights on the estate, and that those rights are sold by the vendor to the Congested Districts Board or to the Land Commission, then when the Land Commission or the Congested Districts Board are selling the estate to the tenants, those sporting rights and fishing rights should be reserved off the tenants' holdings, comprehensively reserved by Land Act, the same as mines and minerals are at present. That would get over a lot of friction between tenants on the resale of the estate; because many tenants who have really no interest at all in the shooting, who never fired a shot and wouldn't know how to fire a shot, could be agitated by a poacher in the district. Such a man raises a little agitation, and he says: "Are you going to buy your holding and allow those men to walk in and shoot over it?" and two or three men follow, and there is a little clique of tenants formed who say: "We won't purchase unless we get the sporting rights"; and if we are able to show them that we could not give them the sporting rights we should get over all that difficulty.

10013. Have you any suggestion to make on the subject?—I have not. That is a matter for legislation.

10014. It ought to go through then?—Yes. You see the law is at the present moment that the tenant can buy the sporting and fishing rights, and therefore he has the legal power. There is one thing that I should like to say, and that is that when these sporting rights are vested in the Land Commission they should be afterwards vested by the Land Commission in a local Committee who would take over the management of the sporting rights (which include the fishing rights); and those sporting rights and fishing rights should be sold and the proceeds devoted to the estate in general, not to any individual who had the biggest ranch along the river or the biggest sporting rights over his holding, but should be devoted to the estate, for instance in reduction of the rates, paying a certain amount towards reducing the rates or the

Dr. McShafy—continued.

making and the maintaining of a bog road, which is a most useful public purpose, and not to be divided out in shillings and one-and-sixpences to each individual who didn't take any interest in the one-and-sixpence. Give it to road-making and do some good, and don't be distributing it around, scattering it in shillings for "half-ones."

10015. Money like that would go to whiskey?—Yes.

10016. Have you any other suggestion?—Well, I have very few suggestions to make as regards preservation, because I know nothing about fishing or the Fishery Laws. The only thing I would suggest is as regards the inequality of the fees that are inflicted on men for poaching rivers. A man, of course, who snatches a salmon does not do much injury, and he might be a bit of a sportsman himself. Well, that man should not receive the same punishment as the man who deliberately goes down to a river and leaves a corded of line into it and poisons that river with lime or men sparge or dynamite it. I think such an act should be looked upon in quite a different light. The one man should be subject to a small fine, I should say, and the other should be subject to imprisonment without option, because if a man gets 50 salmon out of a river by poisoning it and makes £20 on resale, if he is fined £4 it is worth the risk to go out again.

Mr. Coldrewood.

10017. That suggestion has been made repeatedly, that there should be no option of a fine.

Dr. McShafy.

10018. A great many witnesses have told us that. Have you any other suggestion to make?—I have nothing more to say.

Mr. Gwynn.

10019. The Congested Districts Board have got the fishing rights to a considerable extent in this river?—We have, in this river.

10020. Have you made any attempt to exploit the fishing?—Not so far.

10021. Are they thinking of making it?—Well, I have been discussing the matter several times with Mr. McKillop to know if he could form a local Committee to take over this river, charge a fee for salmon fishing per day on the river, pool the money and distribute it in the manner I have stated; but it has not come to anything, so far.

Mr. Coldrewood.

10022. Have you dealt with properties in wild districts quite apart from the question of fishing rights?—Yes, we have purchased a property down about Waterville, but there was no question of fishing on this property. There is a small estate called the Wynne estate down at Glenbeigh, 10 miles south-west of Killybeggie, and I arranged with the tenants there to sell the estate to them, and they objected because the fishing right of the little river Bely, which runs through the estate, was reserved; and all the tenants objected on that to sign their purchase agreements unless they got the fishing rights and sporting rights.

Dr. McShafy.

10023. What was done?—They are getting them. It is only a small river.

10024. It is not an important river?—Some years ago, I am told by old anglers, there was very fine white-trout fishing on this river, but it is not there now, and it has not been there since I got charge of the estate.

Mr. G. F. Hewson, examined.

Dr. McShafy.

10025. We understand that you have a great knowledge of this river?—Yes, I have, rather.

10026. And we should like to ask you to tell us the condition of the river and what you think ought to be done to improve it?—Well, perhaps the main thing that I know about it is the fishing of it. Well,

Dr. McShafy—continued.

I say the preservation of this river you know is absolutely and entirely in a wrong way. For instance, this is an enormous river, and the funds are very small. They are extremely small to preserve such a large stream. I have just made a few notes here. To prevent nothing, for instance, in the

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Mr. G. F. Hawson—continued.

[LAST ROW.]

Dr. Mahaffy—continued.

large tidal waters down there, it is absolutely impossible to put it down without such a thing as an oil launch, because the boats are on the river and the baillifs are on the bank, and it has been the case once or twice, as far as I have gone back, a poaching crew have really been caught red-handed, and when they are reached by the baillifs they take to the river in a boat and they escape, so that without having an oil launch or something on the river it is almost impossible to put down poaching. And then there is a lot of defined ground that the baillifs have great trouble in watching, half a mile defined from the mouth of the river, and also between the mouths of the Galey and the Brick the ground of this river is foul and they can't fish, but in this place that I am speaking of the ground is perfectly clean and there is a tremendous lot of fish killed there.

Mr. Gwynn.

10027. What do you mean by "defined ground"?—You half a mile at the mouth of any river, and for half a mile on either side of any tributary, is "defined ground" where it is illegal to cast a net.

Dr. Mahaffy.

10028. You said half a mile of ground was defined?—That is, the nets can't fish it according to law. You can't fish, according to law, within half a mile of the mouth of any river. The fish come up there, and they haul there, and there are only six working places, and from the mouth of the Brick and the mouth of the Galey there are three places. One net is 400 yards long on the Coahen, and others 300 yards long, and others 100 yards. You could step up those places so that they would never be fished again, and the baillifs need never watch that again, and you could fill up all those places and make them impossible to fish (and I daresay 420 would do it), and there is a tremendous lot of fish killed there. With regard to the baillifs, it is my experience, and my father's, and I often heard him speak about it and I know it. There has been, that I know of, only one baillif, and he will catch one man and let the other man go. You know what I mean. He will let off his friends. That is the way with our baillifs here. They are perhaps not well enough paid, but they are local people, and they may be shifted off at any moment at all, and they have their friends, and baillifs draw double pay, and they shift off a man when he has acquired experience of the river and knows where they poach and where they poach and when is the time to go out, and I say the proper thing is to put Scotchmen entirely on this. Put Scotchmen on and give them good pay, men who have acquired experience in Scotland. I daresay after coming here till they get into the "know of the people," they wouldn't do very much good. And the poach, I daresay, here mean very well. The head baillif is doing his utmost, but he has not got the experience. He doesn't get the tip when there is poaching going on in the tidal waters. A man told me they have been fishing there in the middle of the day since nothing has been stopped, and they fished from 10 o'clock in the day till half-past 4 in the afternoon, and there was a flood running down and the season was over. That is the way it is, and there has always been poaching there early in the year and late in the year. We should have a Board in Llandovery, and not have our money going up to Llandovery. The money should be spent here and put in the hands of responsible men who should have the handling of it and the putting on and putting off of baillifs. A great lot of fish go up into the upper reaches of this river when there is a mountain flood, and it goes down in three or four days and they are killed. I know it from being a red-fisher as well as interested in acting. I have gone up there when there has been a big head of fish. I venture to say that there are no fish there at the present minute. They are poaching up there. It is a very simple matter now since they can get the dynamite and know how to use it.

Dr. Mahaffy—continued.

10029. Can anybody buy?—Anybody can buy dynamite here, sir. And then they have got these chemicals. They used to have great trouble in digging a spurge—that is a very laborious job—and getting lime, but a man can have a cartridge of dynamite in his pocket with a detonating cap on it and throw it a long way, and it does not make much noise, and a baillif may not hear it. And then they have got chemicals, which I daresay contain copper. When dynamite is thrown into one of these little pools it would do for everything in it. We have had no poal in this river for the last four or five years. Fry stay in the river the whole year merely as fry and don't come down till they get strong, we have had no poal for the last four or five years, and dynamite is what I put it down to. And it is in the month of November the fish spawn on our river here, and we have a big run of fish in the whole of November, and very few people know it, and they can't escape in the upper reaches from the galling and the stroke-baiting and the dynamiting. An enormous head of fish go up there every spring, you know, and of course you have this enormous big river, and I don't know whether it is an illegal thing or not, but I would make the river so that you could preserve. I would put a grating down beside the Aberystwyth bridge, and if a few fish could get above that let them be killed. The fish would have an enormous space below that to spawn. No angler would object to it, and the baillifs could mind it, and instead of having the fish travelling to those upper reaches and little rivers I would put down that grating in this place about March, and I would take it off again in November. If the fish want to spawn let them spawn below that; they have an enormous place to do it. There is the Smarlagh, which runs down to a little trickle, and likewise the Galey. A grating would cost very little money at this bridge. Put one on the Smarlagh. Fish would be all cleared out by March, and if there were a few fish above let them die. And then there is the mill stream. They have not got a grating on the upper side of it. There is a grating, I believe, below. I believe the grating is taken up and put down. It is taken up at the top and put at the bottom. There should be a permanent fixed grating that neither trout nor salmon could possibly get through at both ends, and this grating should not be disturbed.

Mr. Calderwood.

10030. Are these things not regulated already by by-law?—No, they are not. I think Sergeant James, the head baillif, if you bring him up, will tell you about the grating. It is in working order for five days of the week. The big Coahen hole at Llandovery is very deep and it holds an enormous head of fish, and they fall back into this, and the mill stream is turned off into the main river, and it is quite full of fish—and why are they allowed into it? The baillifs have to stay watching the mill race all the time, and they are watching it and can't do anything else; and I know perfectly well that every Sunday and holiday is the season of this river that place is poached beside the town. I don't think I have very much more to say. The fresh water is notted, too. I don't think I have very much more to say with regard to the preservation of the river.

10031. Have you a net fishery on this river?—Yes.

10032. How long have you been working it?—Four years. Well, all my life I have been at it more or less, except the time I have been abroad.

10033. Has the fishing improved or gone back?—It has improved in spring fish alone. Eight or ten years ago, before I went to Africa, there was no spring salmon; it was a poal river. It has now developed into a salmon river entirely.

10034. Is it a good salmon river—you got a run of spring fish?—A run of spring fish; but there was not such a thing as having the fish here in the river in April or May, although there was in August, in my father's time.

10035. May I take it that you have seen spring fish in this river in August?—Yes, you may, certainly.

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Mr. G. F. HEWSON—continued.

[LISHTOWN.]

Mr. Calderwood—continued.

10060. Do you suppose that the general stock of fish in the river, then, has been depleted?—No, not at all.

10061. And has the poaching that you speak of in the tideway, the illegal netting, increased of late years?—No, I would not say so. About the same thing.

10062. The conditions are pretty much the same?—It is not now.

10063. What do you regard as the principal difficulty here, is it the netting in the tideway or the

Mr. Calderwood—continued.

poaching up the stream? Witness.—Do you mean the real destruction of the fish?

10064. Yes?—Well, I would say the fish netted now at this time of the year, would mean greater loss, because they wouldn't have a chance of going up the river when the winter floods came. There is a big stretch of tidal water down there, and there are no baillifs on it at all, which is a trifling mistake.

10065. Are your baillifs appointed from Limerick?—Yes.

Mr. LEONARD BARNES, continued.

Dr. Mahaffy.

10066. I understand you are a collector in Limerick?—No.

10067. What?—I am living here, and I am doing nothing here in particular. I am an angler.

10068. What evidence do you wish to give us—we want additional evidence, we don't want the same points over and over again?—I quite agree with Mr. McLean's idea of co-operative letting of the tenants' rights of fishing. I think that is one of the two ways in which some benefit could be got by tenant purchases. The other would be a local angling association, that would take lettings from each tenant individually, and I think the preservation of the river should be done in that case by the local angling association, and that they should have the right to impose a licence duty instead of the present system which is all for the whole of Ireland. I think that talks rather against certain rivers and certain districts. It will let one man go from one point to another and take a licence with him, and he will naturally go to that which is first on the list to buy his licence. The result is that the late rivers suffer immensely. They don't get the number of licences that they should.

10069. I remember when you used to pay an additional 10s. at Ballyshannon when you came with your old licence. That used to be allowed years ago?—I think it is only fair that the late rivers should be compensated in some way.

10070. Have you anything else—just give us new points in addition to what has been said?—I have told you my ideas about a local angling association, and also about co-operative letting by the tenant, and I think in that case some central agency would be necessary, perhaps a Government agency, which would have some authority in the town. I don't think that the rents received, at any rate in the beginning, would be appreciable, but that with the continued improvement—I am speaking locally, of course—of this river perhaps the rents would amount individually to an appreciable sum in the future. They should. Now, with regard to the part that the Board of Conservators could take in the preservation of the fisheries, and how far their resources are adequate for the purpose, I know the resources of the Conservators are absolutely inadequate for the work they have to do, absolutely and hopelessly inadequate.

10071. That is quite plain to me—I believe the Government grants is less in this district than it is in others whose claims are certainly no greater. I think that the Government grants to this district might easily be increased. Now, about how poaching might be more effectually prevented?

10072. Have you anything to add to that?—I think something might be done by quiet talks, especially by the dingy-men here, to teach those people the enormous amount of damage that they do to people who are dependent absolutely on the fishing in the lower reaches of the river.

10073. Mr. McElpott spoke about teaching them in the National schools, showing them the hatchery, and spreading a knowledge of the thing, and it was very interesting?—Well, I was not here when he said that, and, of course, there are various ways of strengthening the hands of the Conservators here in the other case of a local association. And I think what tends to increase poaching here is the abolition of fines, or rather the reduction of fines.

Dr. Mahaffy—continued.

10074. Oh, we know that?—I have no doubt you have been told that many a time before.

10075. Yes?—Here locally I think we suffer from the lethargy of the local Conservators. There are three local Conservators here who attend the meetings of the Limerick Board of Conservators, or, rather are supposed to attend them. Two out of three, I know, don't go, and one possibly goes three or four times a year in his term of office.

10076. Are those ex-officio members?—No.

10077. Elected?—Elected members of the Board of Conservators.

10078. How long are they elected for?—For three years. There is an election due next year. That is, two of the present Conservators have been in office for two years, and two out of the three have not yet attended, so far as I know.

10079. Then they won't be re-elected?—Well, of course it is difficult to find men who will attend.

Mr. Gurnea.

10080. It is a serious job to attend?—It is, and it is difficult to find men who will attend. None of them take the slightest interest in it.

Mr. Calderwood.

10081. You should attack the Limerick Board of Conservators also?—The local Conservators are members of the Limerick Board.

Dr. Mahaffy.

10082. You should begin at the top?—Begin at the top. I should like to say something about the manner in which the baillifs are employed by the Board of Conservators.

10083. Yes, what is that?—I understand that the Board of Conservators are in an extraordinarily awkward position from the lack of funds. Of course, the bulk of the preservation work that is done by the baillifs is necessary in the summer time to prevent the poisoning and dynamiting of this river, those being the two greatest evils from which we suffer. They have a certain amount of money at their disposal. They, therefore, logically enough, spend the greater part of it on the preservation work when it is mostly needed. They have ample means from June to August or from May to August. During that time the baillif is supposed to prosecute his neighbours and friends for poaching, and in the other eight months he is supposed to live amongst those same friends and neighbours and try to get his living from them by hiring his labour to those whom he has been employed as a baillif in criminally prosecuting.

10084. That has been said to me several times by other witnesses?—It is absurd.

Mr. Calderwood.

10085. What is he paid by the Conservators?—As a rule, 15s. a week.

Dr. Mahaffy.

10086. How do you propose to remedy that; what would you pay?—I think it would be far preferable to have a fewer number of men constantly employed. Of course, that is a matter for the Board of Conservators only, as far as I am concerned. Of course, they could have the requisite number of men but they haven't the funds.

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Mr. LEONARD BERTON—continued.

[LONDON.]

Dr. Mahaffy—continued.

10053. And would you like strangers rather than local people to be employed as bailiffs on the river?—Yes; but of course you must be quite content to keep those men for about six or eight months on the river to make them more acquainted with it before you can expect results from them. They must be acquainted with the place before you can get results.

10054. Have you any other points?—None that I know. There is one thing I should like to say. Mr. Hovven, the last witness, suggested the putting up of gratings to stop the fish at the mouth of the feeders. I think that absolutely futile. I mean if you put up a grating, if it is to be of any use at all, it must be

sufficient to prevent trout going up, because if white trout go up the river will be poisoned for the sake of the white trout. If you put up one with small enough mesh to prevent trout ascending, it will collect drift wood, and that will cause an obstruction which will be swept away by the first flood. And, besides, it is illegal, and you would want to have further legislation for it.

Dr. Mahaffy

Gratings have been suggested to us by a great many people.

Mr. MICHAEL O'SHAUGHNESSY, examined.

Dr. Mahaffy.

10055. What is your interest in this—are you a fisherman?—No, sir, I own land along the river.

10056. Have you bought it lately?—Yes, I have purchased within the last seven or eight years.

10057. Is it high up or below the bridge?—Well, it is up above the bridge.

10058. How long a stretch of the river does your farm give you?—About a quarter of a mile along the river.

10059. Only on one side?—One side.

10070. Is it a good fishing place?—Yes, it is very good.

10071. Is it poached?—Yes, it is poached very often and sometimes dynamited.

10072. Why don't you stop it?—Well, we take no interest in it because we are stopped ourselves from fishing.

10073. And what do you think ought to be done?—If there were extra bailiffs put on the river it would make a good river for fishing. There is any amount of nothing.

10074. You know if you joined together, all of you, it would be a very valuable property?—Well, if the license was lowered every farmer would take an interest in it, if it was 6s. or 10s.

10075. What license, the rod license?—The rod license. If it was lowered to 6s. or 10s. every farmer would take an interest then.

10076. And then they would begin to protect?—And they would preserve their own part of the river in the winter.

10077. And you think the £1 license is the main difficulty?—I think it is too high, sir.

10078. And would they stop the men themselves then if they got the license lowered?—I think they would preserve their own part of the river in winter.

10079. Do they use dynamite and spurge there?—Well, they don't poison it up there now.

10080. But they dynamite it?—Yes, they dynamite it.

10081. That is very bad. Would they stop that?—Oh, yes, they would stop that. No man would let his own land be dynamited.

10082. All you want is to get a personal interest in the river?—Yes.

Mr. THOMAS CASTLE, of Monaghan—examined.

Dr. Mahaffy.

10083. What do you know about the river; are you a tenant purchaser?—I am a tenant purchaser, and I am an angler about 50 years and pay license.

10084. Did you purchase from the Congested Districts Board?—Yes.

10085. And they have reserved the rights?—I didn't think so at the time I purchased.

10086. You think not?—I think not.

10087. You angle all the same?—I angle all the same.

10100. What have you got to say about the river?—It is a fine salmon river, and if it was protected, if the tenants along the river had an interest in it and if it was well managed, it would be a luxury to go to fish there.

10101. What do you do now?—What I would suggest is for every man to have free leave to fish along

Dr. Mahaffy—continued.

the river, the tenants to be shown the same right they have on the land adjoining the river or bordering the river, to be shown the same right so far as below, to protect the river, that they should form a body, and that we wouldn't have these, I may call them, bogus bailiffs that are doing nothing all the time.

Dr. Mahaffy

Gratings have been suggested to us by a great many people.

Dr. Mahaffy—continued.

10083. And if you had a personal interest, you think the thing would be looked after?—Yes; every farmer would look after his own part.

Mr. Calderwood.

10084. Your suggestion is to reduce the license for rods?—Yes; if it was lowered to 5s. or 10s., every farmer would then pay the license and he would mind his own part of the land.

10085. You don't mean that you would stop gentlemen coming from England or Scotland to fish there?—Oh, no, they could fish with rods.

10086. Would you make them pay?—They would pay £1 for the revenue license they have got.

Dr. Mahaffy.

10087. Would you stop anyone at all fishing on it except yourself?—No, except the poachers or dynamiters.

10088. If a gentleman came from England who has paid £1 license?—No, they are not stopped at all, and they are let fish there.

Mr. Gogan.

10089. Might I put it to you in this way. Isn't it your notion that there should be a 6s. license for a man to fish salmon on only one river or part of one river?—Well, you know you go free along the land across the river.

10090. I mean to say not to kill fish on your neighbor's place?—Fish in the river Frail, I would.

10091. That is to say, you would have a lower scale for the local license?—Yes, only locally.

10092. And another scale for the license that would carry you all over Ireland?—Yes. Every man would then take an interest in it.

10093. And did you buy from the Congested Districts Board?—Yes. We have bought from the Land Commission.

10094. Have any others the fishing rights?—Yes; farmers have all the sporting rights, and this includes the fishing rights.

Dr. Mahaffy—continued.

the river, the tenants to be shown the same right they have on the land adjoining the river or bordering the river, to be shown the same right so far as below, to protect the river, that they should form a body, and that we wouldn't have these, I may call them, bogus bailiffs that are doing nothing all the time.

10102. What would you do?—I was at another inquiry and Mr. Holt, and I think, Mr. Green, agreed that the anglers and the licensed men along the river should know the men and would know the men that would be a protection to the river, and be appointed and discharged according to that body.

10103. You mean that each should have the right to fish in part of his own farm?—Certainly, and the river to be what it was always, a free river for any gentleman that would come to fish.

10104. Do you take out a license?—Yes.

1914 September, 1911.]

Mr. THOMAS COSTELLO, of Monaghan—continued.

[LISHTOWN.]

Dr. Mahaffy—continued.

10105. Do you object to the £1 licence?—No; I think it is small enough, and why I say it is small enough is that I think it wouldn't increase the funds anything if you gave it for 6s. or 1s. That £1 licence most of the anglers think is only a fair licence.

10106. Then you think the difficulty is that they don't appoint the right bailliffs?—I know the bailliffs are no use, whereas the river is blown up and torn to shreds.

10107. Who ought to appoint the bailliffs?—Those men who would have an interest in protecting the river and be like bailliffs on the river themselves. They are men who have land adjoining the river and who would have an interest in the fishing. There is not much done on the fly since.

10108. Have you anything else to say?—Well, that really is the substance of what I have to say.

10109. You fish every year?—Every year.

10110. Have you had good years lately?—Well, very good lately, but they weren't so good here as hereabouts. They were better 40 years ago than they are at present. And well I remember that time. I gave evidence about the Leicfield weir across the water, and I think I killed 150 salmon that year, and there is nothing done on the fly since.

Mr. Colderwood.

10111. How many do you kill now?—For the last two years I have killed about 60 salmon each year.

10112. With your rod?—My rod.

10113. You fish pretty steadily?—I fish part of every good day. I don't fish when the river gets too low or when there would be a gentleman already fishing there. Every good day I fish on it.

Dr. Mahaffy.

10114. And with the fly?—Always.

Mr. Guyan.

10115. Is the river better now than it was 15 years ago?—It is ten-fold better for the last three years than it was 15 years past.

Mr. W. M. McELIHOUGH, recalled.

10117. Mr. McEligott.—I should like to say one or two things before leaving this part. I don't agree with the suggestion of a reduction in the licence for angling. My experience as to that is that red anglers are the poachers, and the more you reduce licences by making local licences the more anglers you will have and therefore the more poachers.

Dr. Mahaffy.

10118. How does the angler poach?—With the stroke-andal. And there are certain anglers who take out angling licences for the express purpose of going unopposed along a river, and they can put in dynamite.

Mr. THOMAS COSTELLO, of Ballybeggan, examined.

Dr. Mahaffy.

10120. What have you got to say?—I don't know anything about angling. I fish on the fresh water.

10121. With a net?—With a net.

10122. Do you see many fishermen illegally netting, poaching?—Yes, I do, sir.

10123. And is that frequent there, that they are fishing with a net when they should not fish?—Yes.

10124. You see that constantly?—Well, I hear of it.

10125. Did you ever see illegal nets?—No. There were some taken by the bailliffs that year.

10126. You have had pretty good fishing lately?—Yes, pretty good fishing.

Mr. Guyan—continued.

10116. Do you know it is the spring fish that are coming up and the pool fish have gone down?—There has been a great falling-off in pool fish and a great increase in spring fish.

10117. Have you any reason to give for the increase that has taken place in the last three years?—I have.

10118. What is it?—Isn't there a hatchery within a mile or two of me, and it is let out in the river, and since they first came up two or three years ago we could know they were strange fish.

Mr. Colderwood.

10119. What weight of fish do you get mostly in the spring?—Well, I would say the average would be about ten pounds, and the heaviest fish I ever killed was 25, and 23, and 16, and 16.

10120. Most of them are 9 and 10 pounds?—At an average they are more than that now, because there are very few poach.

10121. And have these smaller-sized spring fish rather increased or have the larger ones rather increased?—Small and large, they seem to be the same species, and one would be larger or smaller.

10122. And was there the greatest growth of the 10-pound fish or of the 17 or 18-pound fish?—I think it must be something that way.

10123. You don't know whether the 10-pound fish are rather on the increase, because you are not getting any below 10 pounds, or that the fish come in as the pool?—We get the same pool every year.

10124. But there is a falling-off?—There is a falling-off.

10125. Mr. McLean.—The 10-pound fish has increased against the pool.—Witness—I wish if everybody could fish the river, and those that have land adjoining the river were compensated in some way to get this rod fishing along the river, and I think that would be only right and fair.

Mr. Guyan.

10126. As far back as you remember, was the river always free where you fished it?—Always. There was an exceptional spot near Kilmara House.

Mr. Colderwood.

10129. The argument is this, that it would make these men take a more genuine interest in the river, and you don't think that that would be so?—I do not. No angler would give away another angler. And then another thing. The improvement of the fishing in this river is due, I haven't the slightest doubt, to immunity from poisoning for nine or ten years. I don't speak from personal knowledge, but I am told that there was immunity from poison in the upper river for nine or ten years previous to the improvement of the river three years ago. Now, since those three years the river has been poisoned several times, and therefore I am rather afraid that the improvement will not be maintained.

Dr. Mahaffy—continued.

10137. Is it getting better?—It is.

10138. Have you anything to say about the river?—The Commissioners should have the power of putting on and putting off the bailliffs.

10139. Would any of the not men go up for scenery to help in the water course?—I don't think they would. It is too far away from where I live. I suppose it is close on 14 miles.

10140. Except they were well paid they would not go?—They wouldn't go, I suppose.

10141. Is there anything more you have to say?—No more, sir.

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Mr. JOHN DAVENPORT, examined.

[Lisdown.

Dr. Mahaffy.

10142. You are gamekeeper to the Knight of Kerry?—Yes, sir.

10143. I suppose you haven't much shooting about here?—I have, sir; cock-shooting and some pheasants.

10144. Have you anything to say about the fishing of the river?—I fish also.

10145. On the part belonging to the Knight of Kerry?—Yes.

10146. What have you got to tell me about that?—The only thing I have to say about it is that the river is poached very much.

10147. We have heard that from everybody. Have you any suggestion to make how that could be remedied?—Well, to put a stop to the sale of dynamite to poachers.

10148. Anything else?—To try to get some extra baillifs on the river. There is only one bailliff far about 14 miles of the river presently, I know.

10149. That is a very serious thing, and it would take money to put on more bailliffs, but the fishing is getting better lately, you know?—Yes.

Dr. Mahaffy—continued.

10150. And have you any reason to suggest that would account for that?—I am certain and sure it is all due to the hatchery we have in our place. I hatched over 70,000 this year.

Mr. Gwynn.

10151. Is there anything on your river?—No, sir. We used to have some netting, but it was stopped last year.

Dr. Mahaffy.

10152. Who stopped it last year?—The Board of Conservators.

10153. Have you anything else to add?—No, sir.

Mr. Colclough.

10154. How did the Board of Conservators stop you netting?—I don't know. They passed a by-law.

Mr. THOMAS CROWN, examined.

Dr. Mahaffy.

10155. You are an angler?—I fish for trout. I am an angler for the last 15 years.

10156. How trout you fish for?—Yes.

10157. And brown trout?—Yes.

10158. Is there brown trout in the river?—There is a lot of brown trout in the river.

10159. You have not got any at side fishing, I suppose?—No.

10160. And you get good brown trout, you say?—Good brown trout.

10161. And sea trout, too?—Certainly.

10162. What have you got to tell me about the river?—My land adjoins the river. The frontage is about 500 yards. The land agent was selling it to me and he offered terms to purchase this after the passing of the Land Act, and we didn't agree over the purchase, and he was adding the fishing right to the purchase money of the farm, and I agreed to the fishing rights at that time, and I differed over the price of the farm, and after two years he sold off the rights of my farm to the tenant at the opposite side with a different landlord, and the Land Act transferred it to the tenant.

10163. So that you lost your fishing rights?—Certainly. I lost £60 a year in the fresh water portion of the river. The mark between the tidal and the fresh water is right in the centre of the farm, 200 yards on each side.

10164. I am afraid we have no power to mend that?—It is not very much.

10165. But we don't do it?—Mr. O'Halloran that bought it sold it to a hotel proprietor in Lisdown, and that gentleman sent out a man trespassing on my land.

10166. What did you do?—I hunted him, and won't allow anyone from the opposite side. I allowed any other licensed men to fish away, but not any person sent by the man who purchased on the other side.

10167. You won't allow the people opposite?—No, sir.

10168. And the river is pretty broad. You could not fish it from the far side, as it is too broad?—It is at my side the fish lie.

10169. They can't fish it from the far side?—But it is not so good. They were fished at the far side catching nothing, and the anglers remove over to this side.

10170. And your fishing is important?—Certainly.

10171. And though you own the farm you have no fishing rights at all?—No, sir. I didn't accept them, and then the Estates Commissioners sent down an inspector, and they put £180 for the purchase money, and I accepted their terms then from the Estate Commissioners.

10172. Then you can stop anybody from fishing on your bank as trespassers?—Certainly so.

10173. And you fish as much as you like?—No, sir. The other parties got an injunction against me to restrain me from using it.

10174. So that nobody can fish it?—Well, it may be fished from the other side, but I will not allow it to be fished from this side. And the anglers and sportsmen that have been there are banished away.

10175. Mr. Byrnes, Solicitor.—Gentlemen, I was in the case for Mrs. O'Halloran. Of course there was

no such foolish injunction to prevent anybody fishing there. Mrs. O'Halloran purchased this place, and Lord Lisdown sold to Mrs. O'Halloran the fishing rights. This man hunted as, and the facts were stated, and an injunction obtained from the Master of the Rolls establishing our right over the whole stretch of the river.

Byrnes.—I will not allow anybody to fish there from my side.

Dr. Mahaffy.

10176. Have you anything to say?—The fishing is important. There is nothing in the fresh water all hours by night. Mrs. O'Halloran can fish that portion the best angling at all on the river, by night. She is doing it independent. I say it is very wrong that the fresh water should be fished after hours.

10177. Is that a new fishing?—No, sir.

10178. It has been always fished there?—Always.

10179. It is very hard to stop it now?—This should be angling.

Mr. Colclough.

10180. And the river is being fished after 8 o'clock at night?—All the other side are off but that net.

Dr. Mahaffy.

10181. Why don't you get a bailliff?—It is none of my business.

10182. But it is your business.

Mr. Gwynn.

10183. Why don't you prosecute her?

Dr. Mahaffy.

10184. Is it true that this is going on and you don't stop it, for if it is illegal you could get it stopped?—I believe the Agricultural Department or somebody should rent the fishing rights of anybody's land to the tenant. It is very hard then to sell the rights of my farm to any person, and that person sending persons to use it.

10185. We will take that all down. Have you anything else to suggest besides that?—Nothing at all.

10186. All that you say will be reported, so that your evidence will be made known.

10187. Mr. Byrnes.—Let me explain how it came about. What happened was this. I just want to explain how the fishing attached to the place came to be sold to another person. The river is winding, and it was impossible for each of the owners to fish to the middle of the stream.—Witness.—I beg your pardon, sir. It was fished for years.

10188. Mr. Byrnes.—Away back for years the river had been fished in boats. One estate came across the whole river and the other estate came across the whole river, and when it came to a question of selling Lord Lisdown's estate we bargained this division of the river in sections. Mrs. O'Halloran sold her half of the river, and the trustees of Lord Lisdown sold their half of the river, and in that legal division of the river in sections it so happened that the section opposite this man's holding fell to this lady, and she got Lord Lisdown's half in another direction at a place that belongs now to a man named Bostley.—Witness.—That happened three years after my refusing the terms.

24th September, 1911.]

Mr. THOMAS HANSEN, examined.

[LONDON.]

Dr. Mahaffy.

10188. How do you fish on the river?—I fish with a net.

10189. Where?—The fresh water, three miles below here.

10190. Close to the sea?—The sea is 15 miles down from here.

10191. Close to the estuary, the tideway?—About three-quarters of a mile from the tide.

10192. And you have a seine net or what kind of a net?—A fishing net from 80 to 100 yards long and a boat.

10193. And you haul salmon there?—Yes.

10194. How many of you are there?—My own help.

10195. Do you do it alone?—I do, sir, four men fish in this boat.

10196. Are they shared with you?—No, sir; they are my own family.

10197. You have it all to yourself?—Yes.

10198. That is valuable?—Well, it is a little industry. There is a great industry in the river if it was properly looked after.

10199. How many fish do you get?—Well, it varies. This was a very bad season, I may tell you, sir.

10200. About how many would you get in a good season?—I couldn't exactly tell you the number of fish.

10201. How much would you make?—Oh, about £50 or £60. It varies from year to year.

10202. That would make over 100 fish?—Yes, over 100 fish. Oh, certainly.

10203. And would you get all that for your own family?—Yes, sir.

10204. You pay a £3 licence for that?—A £3 licence.

10205. You make a good profit on this licence?—Well, I don't know. It is a small industry, of course. This river ought to be properly protected, and I don't see that it is protected at all, and the only protection that could be got for this river, I think, is the police. There are many stations where there are police, and I think if those men were got to assist the local bailiffs they could make their cases.

10206. Have you paid anything or done anything towards the preservation of the river?—No, sir.

10207. Don't you think you might contribute?—Well, of course if it is required a little we will, and if we see the industry improving we will assist in every way we can.

10208. You won't improve the industry if you don't help. You only kill fish and you don't help in any way?—Oh, I am helping myself and I am helping my family, and I am protecting it in every way I can.

10209. How?—Yesterday I shot a bird in the river, and I forgot to bring in the bird to show him to your honour; and my sons shoot them every day.

10210. And don't you think you might contribute a little towards the fund?—I would be very anxious to do so and have the protection of the fish. See how we are treated. We are out on the river from six in the morning till eight in the evening, but our neighbours can go out and fish day and night, and I think it is an injustice that we pay a £3 licence and the men on the tidal water only pay a £3 licence, and we have to come in at eight in the evening and they can fish all night.

Dr. Mahaffy—continued.

10211. That is on the tidal water?—On the tidal water.

10212. And you think that is not good?—They can fish by night.

10213. Don't you think that licence ought to be raised, don't you think they ought to pay more than £3?—I think we ought to get something off our licence for putting in off at night.

10214. But that they should be charged more?—Oh, they should give more, no doubt.

10215. But don't you get 100 fish?—What I would suggest would be that these men should be off at night the same as we are.

10216. Would you like the law changed?—Oh, I would not want any man to do things by night.

10217. Have you anything more to say?—Well, I have nothing more at present.

10218. But you will think of it by-and-by?—No, I can't think of it.

10219. Let me suggest to you that if you subscribed to the protection of the river you might profit by it?—Well, we will consider over it, and I will ask my neighbours about it. If the upper part of the river was properly minded we would have a lot more fish, but they will not properly mind it or see after it.

Mr. Gwynne.

10220. You think you would get more salmon in your net if the fish were better watched in the spawning waters?—Certainly, sir.

10221. And you know that the Conservators have not got funds enough to pay enough bailiffs or to pay them sufficiently?—Well, I saw a lot of bailiffs here after the season, and they were not in the proper place. They were here affording a few little trout in the stream at Liscroft when they should be down at the Coshen mending the defined ground down the river and the hauling of fish.

10222. Do you mean that they were working your water?—I beg your pardon, they were not; they were only minding a stream here.

10223. Then you think it would be no use to have more bailiffs?—Well, I think it would.

10224. Don't you think that in order to get the funds to pay more bailiffs it might be worth while to put something extra on the licences, and if you could get two or three more salmon in the year wouldn't they be worth practically £2?—Oh, they wouldn't be worth £2.

10225. Well, what is the salmon worth a pound?—According to the price that they would be in the market.

10226. Take it on the average?—Tenpence and a shilling, and so on, a pound.

10227. Would you be agreeable to have the licence raised if the money was to be spent on better preservation?—Well, I think it would be an advantage to me to have the licence raised down the river, but I think we are very badly treated in paying the same licence as they do.

10228. And would you like to see the licence raised for the nets on the tideway?—I couldn't suggest anything that would be hard on my neighbours.

Dr. JOHN O'HALLORAN, examined.

Dr. Mahaffy.

10229. What is your interest in the river?—I have a several fishery.

10230. Where?—In the tidal water adjoining my place, Ballythomas.

10231. Where is it?—It is just about four miles from Liscroft.

10232. Down the tideway?—Yes.

10233. And you fish there with a net?—Yes.

10234. Extensively?—Yes.

10235. What have you got to say about that—you have had good years lately?—No, this year turned out a very bad year. In fact all the fishermen mostly gave up fishing. They stopped fishing, as it was so wet, about the 30th or at the end of July.

10236. And that was for the want of poal?—For the want of poal.

Dr. Mahaffy—continued.

10237. But you have had good spring fish?—It was fairly good for spring fish.

10238. What do you wish to say about the river?—I say the river is terribly neglected, and if things are allowed to go on as they are, there will be no bailiffs required at all.

10239. Is your several fishery poached?—It is poached.

10240. With nets?—Yes.

10241. And can't you put that down?—But there are no bailiffs there to put it down. There are some for about 10 or 12 miles of river. Since the nets have been taken off there is no bailiff down there at all.

10242. Do you know the people that do the poaching?—Oh, well, I couldn't say that.

19th September, 1911.]

Dr. JOHN O'HALLORAN—continued.

[LITTON,.

Mr. Guyon.

10244. Could you make a guess at it?—Oh, yes.

Dr. Mahaffy.

10245. Why don't you yourself prosecute them at their make-up with your several fishery?—Oh, well, I thought that should be the bailiff's duty.

10246. Have you any suggestion to make now with regard to poaching and how you think it might be better looked after and prevented?—I will tell you what I think would be a very good method. I think the police should be got to assist the bailiffs. I think that would be an effective preventive against poaching.

10247. Every body has told us that but that would mean a great deal of work for the police, because there is such an immense area?—It would not. No many policemen wouldn't be necessary.

10248. How many?—I think one policeman would be as good as about six bailiffs.

10249. Have you anything else to suggest?—Well, to put on more bailiffs.

10250. That is obvious enough?—I quite agree that there should be an addition to the licence, £1 addi-

Dr. Mahaffy—continued.

tion for us, and if the river were better protected I would be quite satisfied to have the licence increased.

10251. You are not in the tideway?—I am.

10252. Are you there fishing day and night?—Oh, yes, we can fish all hours.

10253. And therefore your licence should be higher than the others?—I am quite satisfied if there was a guarantee given that the river would be protected.

10254. What do you mean by a guarantee?—Well, if I was assured of protection.

Mr. Colleswood.

10255. You mean if you were assured that better and more effective means would be used?—Yes.

Dr. Mahaffy.

10256. Have you anything else to suggest?—I think that all nets should be removed off the water to their owners' houses during the weekly close time, and also that when the season ends all nets, and particularly boats, should be off the water. That would be a great preventive against poaching.

Mr. JAMES HANE, continued.

Dr. Mahaffy.

10257. What have you got to say?—As regards the protection of the river and the prevention of the putting of explosives in it, I would suggest that the vendors of explosives should be brought under the law in some way. While we had the Peace Preservation Act in force the vendors of explosives had to keep books in which they entered the quantities of explosives sold and the name of the purchaser; and the police had power to inspect those books, and in that way controlled the illegal sale and the sale to unauthorized persons of explosives.

10258. And since the Peace Preservation Act has gone out there is no control?—Yes, and the law does not affect the sale of explosives to the same extent, and a certain feloniate can easily be proved.

10259. You think that that part of the Peace Preservation Act ought to be re-enacted?—Yes, sir, to prevent that.

10260. What else have you to say?—It has been mentioned that a certain net fishery has been fished on the fresh water at night illegally.

10261. Yes?—That is not so. They are fishing the fresh water at night, but it is the fresh water fishery next above the tidal flow, and the law gives that party the same right as it gives to those that haul in the tidal water. The fresh water fishery next above the tidal flow—

10262. Gets tidal rights?—Yes, sir.

10263. Is there anything else you have to tell us?—I think the discrepancy between the licence duties for net fishers and anglers is too little.

10264. And that the net fishing licence should be raised?—Yes. I know a fisherman who boasted he made £200 clear profit one year, and he made that in three months on £8.

Mr. Guyon.

10265. Was that all tidal fishing?—Yes; that was all tidal fishing.

10266. And in some other places they have suggested that that licence should be raised as high as £10?—I would agree with that suggestion.

Dr. Mahaffy.

10267. Have you anything else to tell us?—Well, with regard to the appointment of bailiffs. Of course the funds only allow the appointment of bailiffs for certain months of the year when it is thought their services are most necessary. Well, a bailiff appointed for a short period of the year won't take a great interest in bringing prosecutions, because he has to depend on his neighbours for his support for the rest of the year, and he has to mix amongst the very persons that will be poaching.

10268. How would you mend that?—If the funds

Dr. Mahaffy—continued.

could be so strengthened as to afford to pay a certain number of bailiffs all the year round.

10269. You heard Mr. McEligott's evidence. He told us that the most important time for the bailiffs was the summer an account of the dynamiting; and in other places we were told that on other rivers the most important time was the winter when the fish are spawning at the head waters?—The whole year round here is important. In the winter time the upper waters require to be protected very much, and in the summer time the lower waters.

10270. Have you any other suggestions to make?—I have just one thing to say. Mr. Bowen suggested the putting down of gratings to confuse the fish going up to spawn. Well, nothing would be more destructive to the fish and to the river, because you confine the spawning ground to a small area, and every successive salmon that would come up would root up the beds already made by the other fish and scatter the ova all over the place.

10271. It was suggested to us that the gratings should be put down in successive sections?—Well, if that could be done.

10272. Anything else?—There is a complaint that no bailiff was down the river since the nets were taken off. That is not so. I have been down there with the police, and I am afraid people don't get up to watch me whether I was in the middle of the night or not, and even within the last three or four months I have had six convictions, but the fines have been in some cases reduced from £5 to about £1.

10273. Where—in Dublin?—In Dublin.

10274. Have you anything else to tell us?—I have not.

Mr. Colleswood.

10275. Are you quite satisfied with the class of bailiffs you have?—Well, perhaps there could be better bailiffs got, but for the money you won't get better.

10276. You have not the appointment of the bailiffs?—No, I have not.

10277. With regard to the police, do you take too policemen always with you or might you have one?—Oh, not always.

10278. Do you know of a degradation of the police force which makes it impossible for one constable to go with a bailiff?—He goes on day patrol alone, but I have not seen a case where one policeman went with a bailiff. It is always two.

Mr. Guyon.

10279. Would you think it better if you had fewer men and employed them the whole year?—I would.

The Committee adjourned.

TWENTY-FIRST PUBLIC SITTING.

WEDNESDAY, 22ND NOVEMBER, 1911.

At 10 a.m.

At the Courthouse, Longford.

PRESENT:

THE HON. MR. DAVID HANNELL, K.C.B., K.C.V.O. (Chairman).

REV. JOHN PINELAND MARRIOTT, D.D., LL.D., C.V.O.
MR. W. L. CALDERWOOD, F.R.S.E.

MR. W. S. GREEN, C.B.

MR. E. H. LEE, Secretary.

MR. JAMES COX, *examined.*

10280. Mr. T. W. Delany, Crown Solicitor (*interrogating witnesses by permission of the Committee*).—Where do you live?—In Tullamore.

10281. That adjoins the Shannon?—Yes, sir.

10282. That is the nearest point to the Shannon from the town of Longford?—Yes.

10283. On the road from here to Strokestown?—Yes.

10284. And have you been carrying on business as a fisherman for a number of years?—Yes, I am a co-partner.

10285. A co-partner with whom?—With Michael Molloy.

10286. What licence do you hold?—I pay £6s. a year for a snap-net licence.

10287. How many years have you been carrying on that form of fishing?—Twenty-eight years.

10288. I take it that before you began fishing you knew the Shannon in your immediate neighbourhood very well?—Yes.

10289. What parts of the Shannon do you carry on your fishing business in?—At a place called the Lodge Cut.

10290. Is there a river known as the Feorish river?—There is, sir.

10291. That comes down from the Roscommon side?—Yes, sir. We fish down close to the Feorish.

10292. From there back towards the weir?—We fish between the weir wall at Tullamore and the Feorish.

10293. The Feorish is down farther than the weir?—Yes.

10294. Is what you call the Lodge Cut the place of water between there and the Feorish?—Yes, quarter of an Irish mile to half an English mile. Between the weir and the Feorish river is the place we fish.

MR. CALDERWOOD.

10295. Is the Feorish river above or below the weir?—10296. Mr. Delany.—It is the lower side of the weir.

The way the water flows is from the weir towards the Feorish river. [To Witness].—About how long is the fishing ground that you use?—About half an Irish mile. I am not able to give accurately the length of it. I would say it is half an Irish mile.

10297. Do any other people have licence to fish there?—Yes, there is another man named Michael Murlagh.

10298. And does he fish in the same place?—Yes.

10299. Does Mr. William Fleming fish there?—He fishes up close to the weir at Tullamore Bridge.

10300. And does he fish down in the direction of the weir?—He doesn't come near the weir.

10301. But does he fish in the direction of it?—Oh, yes.

10302. On the Longford side of the Shannon?—Yes.

10303. You say Michael Murlagh also fishes there?—Yes.

10304. Is there any other person having a licence there?—No, with the exception of Molloy, who is an angler. He pays a rod licence as well as a net licence.

10305. Mr. Delany.—On the Roscommon side of the Shannon, from the weir down to the Feorish river, was that part of the Ross Mahon estate?—Yes.

10306. And do you know if the owners of that estate claimed the right to fish?—They did.

10307. Has that property been sold to the tenants?—Yes.

10308. And are you a tenant on it yourself?—My father is.

DR. MOKAGY.

10309. Is your father settled there long?—Yes.

10310. He was always there?—Always.

10311. And your grandfather?—Yes.

CHAIRMAN.

10312. The Feorish river runs into the Shannon?—Yes.

10313. What is the length of the Feorish river?—There are different branches. It comes from near Strokestown.

10314. Mr. Delany.—It would be seven or eight miles?—Oh, surely.

CHAIRMAN.

10315. I should like to know the precise position of the Feorish river?

10316. Mr. Delany.—The weir is almost beside the public road from Longford to Strokestown, perhaps 400 yards from it, and a mile lower down, or a mile and a half lower down, you meet the Feorish river falling into the Shannon from the Roscommon side.

It is a narrow part of the Shannon which I think was at one time a flood, and it had to be cut for navigation purposes, and they popularly call it the Lodge Cut, because there was a good looking house by the side of it.

10317. Does Molloy live on the Ross Mahon property?—Yes.

10318. And Murlagh?—Yes, both of them.

10319. And their people have lived there for years?—I believe for the last two or three hundred years.

10320. Now, you have told us that the tenants on the Ross Mahon property have bought their holdings?—Yes.

10321. Are you aware whether the fishing rights in respect to the holdings that they bought have been secured to the tenants?—Yes; they wouldn't buy till they got the fishing and spearing rights, and they got them from Ross Mahon, or his agent, Mr. Guinness.

10322. What, exactly, has been the usefulness of your fishing to you and your partner for years past—was it good this year?—There was no fishing this year, but last year there was a very little fishing.

10323. I mean 1911?—Well, that was nearly of no use.

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MR. JAMES COX—continued.

[LONDON.]

Chairman.

10824. Has the fishing been going up or going down for years past?—Oh, it has gone down for the last ten or fifteen years.

Dr. Makeff.

10825. Is it with a snap net or fishes?
10826. Mr. Delany.—With a snap net. [To Witness.]—Do you know what kind of a net Mr. Fleming fishes with?—He fishes both a large and a small one—two sorts.

Chairman.

10827. Do you mean both snap nets?—No, sir; he fishes with what they call a pole net—

Mr. Green.

10828. A drift net?—Yes; and then he fishes a seven yards' snap net.

10829. Mr. Delany.—Now, to what do you attribute the falling off of the fishing at Tarmun?—Well, I believe the falling off is through the bad management of the spawning beds up in the upper reaches of the Shannon, up at Boyle, and Rockingham and Challa. That is what I believe.

10830. Do you know the fishing grounds up in that direction yourself?—I do. Well, not really well, but I know them. I have been on the whole Shannon.

10831. And, I suppose, if you were fishing up there you would be able to find out where the fish were?—I suppose I would.

10832. A man does not like to give away all his information about fishing. Do you complain that the spawning beds up there are being interfered with?—Yes, they are. There is great destruction of the spawning fish. The spawning beds are not protected up there.

10833. Explain to the Committee how the tributaries in that direction go up into narrow little rivers partly on the mountain side?—Yes, they do, sir.

10834. And here you learned that the fish are actually killed there with shot?—I have heard it several times, up in Angus and about there.

Dr. Makeff.

10835. Was not that always the case?—For the last fifteen years, to my knowledge, it has been done.

Chairman.

10836. It is an old practice?—Yes, in the month of June and July it is terrible to see them killing the fish there on the spawning beds.

Mr. Calderwood.

10837. They don't spawn as early as June and July?—They don't, but they are thinking about it at that time.

10838. Mr. Delany.—Is it your experience that at that time the fish are very easily caught and very easily killed?—Yes, the water is shallow at that time, and in some places there is only a foot or a foot and a half or two feet of water, and it is easy to get at them. Where no fish there is 16 feet of water in some places, and eight feet in other places.

10839. Are there any spawning beds about Tarmunberry?—I could not say. I never saw a salmon spawning at Tarmunberry.

10840. What is the period during which you fish with your net?—We fish from the 15th of February till towards the middle of July or so. We don't fish up to the end of July.

10841. But the period that you might fish is up to the end of July?—Yes.

10842. Have you any suggestion to make to the Committee as to the period during which fishing ought to be carried on?—I would say from the 1st of January, or the middle of January, and to close it on the 1st of June, would be the proper thing.

10843. You consider it ought to be closed in June?—Yes, I do; and to open on the 1st of January. I say that would be the proper thing if it was done.

10844. Do you consider that that would give you a large number of fish at Tarmunberry?—I am sure it would, because they couldn't be interfered with on the upper reaches of the river in that case. The fish

wouldn't be interfered with if that was done. They would be of no use to poachers.

10845. Mr. Delany.—And do you think the fish ought to be protected in the upper reaches from at least the start of June?—I do, sir.

10846. Do you think all the harm is done in June and July and the early part of August?—Oh, I am sure of it; certain sure of that.

10847. Are you aware that fish taken on the spawning beds have been sold for little or nothing in Boyle?—I have been told by residents round Boyle that they have been sold there. I have it from fellows that know it; sold for a few shillings apiece I heard.

10848. Have you any idea, if the fishing was improved at Tarmunberry, would there be an increase in the number of people in occupation adjoining the Shannon?—I am sure there would.

10849. Can you give the Committee, roughly, any idea of the number of fish you could get in a good season when you first began to fish?—Oh, sometimes we only get three or four.

10850. But in a good season?—We might get 25 or 30, four of us joined in a snap net license.

10851. What has it come down to now?—We didn't get that last year, or a third of it. We only got six or seven or so.

Mr. Calderwood.

10852. But take an average year instead of a good year or a bad year?—About fifteen years ago myself and a man named Michael Murrigh (he is here in Court) fished that year with a snap net, and all we caught was something like four small fish that year.

10853. Was that a poor year?—Yes, a poor year.

10854. What would be an average year?—We often get 30 fish in a year, or 25.

10855. Mr. Delany.—Was that in recent times, or a long time ago?—Myself and a man named Harris Martin caught 30 fish one year.

Dr. Makeff.

10856. With one license or two licenses?—One license.

10857. How much was the license?—Thirty shillings. And we never caught a single fish in other years. We fished two or three years and caught nothing at all.

10858. Mr. Delany.—You have told the Committee that there has been recently a falling off?—A terrible falling off.

Chairman.

10859. You say that fifteen years ago there was a bad year and you only caught a few fish, and you say that recently there has been a falling off, so I suppose that there are alternately good years and bad years?—Sometimes there is a good flood, and it sweeps them off to Rockingham and Angus, and we wouldn't get one of all, and you couldn't catch them. They would leap up.

10860. Mr. Delany.—Have you any other suggestion to make as to the improvement of the fishing there except the curbing of the season by closing on the first of June?—I think that would do it.

Chairman.

10861. You say you have been fishing in twenty-eight years?—I have not, but my co-partner has. I was not able.

10862. How long is it since the Ross Mahon property was sold to the tenants?

Mr. Delany.—It is only in process of being sold. I don't think it is vested at the moment, but it is on the point of being vested.

Chairman.

10863. Has any property passed from the landlord to the tenants in this case that you speak of? Witness—I don't know.

10864. Mr. Delany.—Sir Charles Gunning has property on the river there?—Yes.

10865. Is not that in process of passing, too?—Yes.

10866. It is only in process?—Yes.

10867. Have the tenants on the Ross Mahon property or the other property that you speak of exercised any

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MR. JAMES COX—continued.

[LONDON.]

rights of fishing?—There are no other parties fishing only us; only Montag and Malloy.

10455. Mr. Delany.—The other tenants have not?—No, they have not, but they have a right to go there, as they got the fishing in with the land of the property.

10456. Didn't Mr. Fleming, who is a tenant on the Gunning estate on the Longford side, always fish?—I suppose he is about the same time fishing.

10457. Don't you recollect that there were some proceedings against him, and that he established his claim to fish, and produced an old document to show that the right of fishing was exercised there back for eighty years, I think?—Yes; that was tried in this Court before Judge Curran.

Chairman.

10458. Did you and your partner ever fish by permission, or do you fish by ancient right?—My father before me fished there. He fished fifty years ago there. Of course, there were not licenses needed so much at that time.

Dr. Makaffy.

10459. Is there any rod fishing at that part of the river?—Yes.

10460. Do strangers come here to fish?—They do, sir.

10461. Do they get good sport?—Yes; for the 12 days they often kill a good deal of fish.

10462. Do they fish from the shore or in a boat?—In a boat.

10463. And it is a good place for fishing?—It is.

10464. And where do they stop when they come here?—Sometimes they stop at Yarnon, with Mr. Reynolds.

10465. Is there any trout fishing?—No, not much trout; only salmon; they don't stop any time at all there.

10466. You mean sea trout, but are there not brown trout in the river?—Yes, plenty.

10467. Plenty of them. And is there good fishing of that kind there?—No, there is not much trout fishing. Trout don't stop there much.

10468. Is there any eel fishing?—Yes, sir, there is.

10469. With lines?—Yes.

10470. And is the eel fishing valuable?—It is not very valuable, but there are men catching a living out of it.

10471. Fishing for eels with lines?—Yes.

10472. And they send off the eels to England, of course?—To England, sir.

10473. Are there pike in the river?—There are pike, any amount of them, large ones.

10474. Do they do mischief to the fishing?—I don't know. Of course a big pike is a great destruction.

10475. And does anybody catch the pike?—Yes, sir; I catch them myself, but very little of them we catch.

10476. You catch them with lines?—Yes.

10477. And do you get them very big?—Sometimes 25 pounds, and 23, and 20, and 15, and down to two pounds.

10478. What do you do with them?—They are not of much value. We use them ourselves.

10479. You don't complain of anything else that does damage. I suppose there cannot be much harm done by salmonids or other birds?—I know I shot salmonids and sent them to Mr. Gilmore or Mr. Hordford, the agent at Limerick, and we got 1s. 6d. a head for them; and I might find a young trout, or a young perch in the cornmeal.

10480. They are probably got higher up in the small streams?—Oh, yes, there are some small trout at Yarnon.

10481. And you get 1s. 6d. for a cornmeal's head?—Yes. It is very hard to kill them. They are cute.

Mr. Calderwood.

10482. Do you fish up to the end of July?—We could, sir, but we don't.

10483. When do you stop?—We stop in the month of May, except a very odd time.

10484. Why do you stop?—Well, all the fish have gone up at that time.

10485. They have gone past you?—They have gone past us.

Mr. Calderwood—continued.

10486. There are there runs of fish coming after that at 517?—There might be an odd straggler.

10487. And, as it comes near the spawning time, are the fish passing up the river there?—I suppose so.

10488. Do you live on the banks of the river?—Yes.

10489. And you watch the river pretty carefully during the season?—Well, yes.

10490. And do you think that perhaps there are runs of fish going up near the spawning time?—Yes.

10491. How near to where you live are there spawning beds?—Of course you could never know where a fish might spawn.

10492. Do you see them spawning?—Do you see them rooting up the ground in the bottom of the river?—Not near Tarnamerry. Not within 15 or 20 miles of Tarnamerry, there is no such place that I know of.

10493. There might be up in the higher districts.

10494. You have not yourself seen the beds or beds where the fish spawn?—Yes, but not round Tarnon.

10495. At what place have you seen them?—Well, I saw them in Boyle, see time that I went there, about eleven years ago.

10496. At what time of the year?—They were not exactly spawning, they were thinking of it.

10497. Were they moving the gravel?—Yes; it would be about September, or a little earlier.

10498. Towards the end of September?—About the middle of it. They were there on the spawning beds.

Of course, I couldn't say they were spawning.

10499. They were probably moving the gravel, and they would spawn there after that?—Yes, but I never did see the fish spawning, to my knowledge, in my life.

Chairman.

10413. Well, you have got to look pretty sharp to see them.

Mr. Green.

10414. Whom do the sides of the Cut belong to now?—Well, the Board of Works claims portion of one side, or some parts of it.

10415. But are there not farmers who have purchased lands down along the Cut?—Yes.

10416. And they have not got the right of fishing?—Well, they always used that right through the Board of Works, and none of those parties ever interfered with them for the last forty years.

10417. Has any change taken place at all owing to the sale of those properties?—No, sir.

10418. The men that fished that place before fished because they looked upon it as a public fishing?—They looked upon it that they had the right to fish there as they got the right which the landlord claimed that he had.

10419. But has not the landlord sold, or isn't he in the act of selling?—He has given over his rights in fishing and in fishing. He has given them over to the tenants.

10420. Has that led to any increase in the number of people fishing there?—No, sir.

10421. They are just the same?—The same parties.

10422. And are any of those men thinking of stopping fishing themselves?—I don't think so, sir; it wouldn't be worth while.

10423. And are any of them looking the angling to anybody?—No, sir; they never stop anyone angling at all.

10424. It is all free fishing?—Yes.

10425. And it was free fishing in the landlord's time, too?—Yes.

10426. Do you know the river much further down, to Lanesborough?—Oh, I know it into Kilsloe.

10427. Now, between this and Lanesborough have there been many purchases of estates?—None, sir; because, for instance, there is the Lecky estate there. It is in a congested area. We are living in a congested area also. The Congested Districts Board is going to take it over.

10428. So that has not taken place yet?—No, sir.

Mr. Delany.—From Tarnon Bridge to Lanesborough it is all purchased except a piece of bog belonging to the late Mr. Russell, beyond Kilsloe.

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MR. JAMES COX—continued.

[Lansdowne.]

Mr. Green.

10480-31 Now, as to the state of affairs between Taimon and Lansdowne, has the arrangement been that the fishing rights go to the tenants?

Mr. Delany.—Whatever game rights existed went to the tenants. It was for a long time a basis of contention in purchase matters here. On a few estates the right of game and fishing was reserved to the owner for his life, or his son for his life, but in the majority of cases it was given over to the tenants, and from Taimon on to Lansdowne I know that it went to the tenants.

Mr. Green.

10482. Have many of them, or any of them, begun to exercise those rights yet?

Mr. Delany.—No further than they had there already, or something like it. Except those snipe net men of Taimon, including Mr. Watson Fleming, nobody has been doing anything or taking out a licence.

Mr. Green.

10484. Are there any good fishings between Taimon and Lansdowne, below the Cut? Witness.—Oh, yes, but there is no one fishing. No one bothers. It is lower down, of course, nearer to the sea down there, and no one ever goes down to fish it.

Dr. Mahaffy.

10485. There is very good fishing at Killisnoe?—Oh, there is good fishing at Ashlough.

Chairman.

10486. What is the depth of the river in that particular stretch, and what sort of a bottom is there?—Witness.—Do you mean where we fish, sir?

10487. Yes, and below?—In the summer time there are eight or nine feet of water.

10488. And what sort of a bottom is there?—A gravelly bottom, and gravel.

MR. J. MACKAY WILSON, D.L., &c., examined.

Chairman.

10448. You know the object of our inquiry here, and perhaps you will give us any information on the subject in the way you have prepared it yourself?—Yes, I am afraid, Sir David, I cannot give you much, or, indeed, anything with regard to the Shannon. I have only come in here to say a word about the Camlin, which is a river that joins the Shannon at Taimonbury, and runs up in my direction as far as Killishnoe. The Camlin is the river that runs through this town. I must just say that I am not a fisherman myself, but why I came before your Committee was this. I think I ought to say that I am Chairman of the Game Protection Society here. We have a little local committee of our own working the game protection for the last three or four years. Well, last summer there was a suggestion made that we should endeavour to get a bill of or game on the Camlin, in order to try to protect the trout, and, as a Game Protection Committee, we communicated with the Limerick Conservators, and I have letters from them here which I don't suppose are of very great interest, but they were, I think, willing to give us any assistance they could in the matter.

10449. Do salmon run in this river, the Camlin?—A few.

10450. An odd one, but it is mainly for the preservation of trout that your Committee is formed?—Mainly for the preservation of trout. You will see by your map that the Camlin is a river to which there are a large number of tributaries which, as I understand and believe, are, I fancy, at this moment, exposed to a certain extent; that is to say, that on the tributaries such things occur as the last witness mentioned, such as the lifting of fish out with shovels, and so on, but I cannot tell you that from my personal knowledge. My object was to get the Camlin protected, and if I might give you my idea, it was this, that I think if you got the assistance of what you may describe as the new riparian owners, it would not be

Mr. Green.

10489. Between Taimon and Bandy we there say good fishing areas?—There is a man here named Peter Ryan that fishes on the Kingston estate, three miles from Taimon. He fishes a snipe net there; and the fishing is not good there. He is about three or four years there.

10490. Is it since the estate was sold that he began fishing?—That estate is not sold at all, or rather, it is not sold yet. The Congested Districts Board, I believe, are going to take that over too. Where I and Meeagh and Malloy live is congested too. We bought from the Estates Commissioners, or bought under them.

Mr. Calderwood.

10491. When you begin to fish on the 12th of February, what weight of fish do you get?—Sometimes we get 9 and 10 and 12 and 14 pounds—different sizes.

10492. Do you get a large class of fish then?—There are no large fish. The largest I ever knew to be caught there was 16 or 17 pounds weight.

10493. At what time did you get them, did you get them only in the year?—Yes, sir.

10494. About the same time as the eight or nine pounds fish?—Well, about the middle of February.

10495. And, towards the end of your fishing, is there any increase in the weight of your fish?—The fish come in the latter end.

10496. Do you see peal up there?—No peal ever comes up. I haven't seen one of them. There are no fish that come up there worth any notice towards what come to Ashlough. The big ones stop there, they don't come any farther. We suffer terribly from floods on our land.

Chairman.

10497. I am afraid you suffered from drought last summer?—Some portion of our land is covered for six months of the year, and, for small farmers, if we had anybody to give us any recompense for the floods, we would want it.

Chairman—continued.

very difficult to protect, for we have found that, in the Game Protection Association that we are working here, we have got the assistance of a great many new owners, and there is a feeling spreading through the country decidedly which shows that these people are beginning to realise that game is an asset, and consequently we have been very fairly successful, and I think the larger we live the more our objects will be approved of. I know not whether you think that in the same way anything could be done for the protection of the Camlin in some small way by getting the new riparian owners to try to combine with the local committee or something of that sort. Of course, that is more for you than for me.

10451. Is there fine fishing in this Camlin river, or is it fished?—I gather, sir, that it is entirely free.

10452. Of course the tenants never objected, then, to fishermen passing over their land?—I fancy not.

10453. The tenants have never, up to the present time, made profit out of it?—I should not think so.

10454. What was the response that the Conservators made when you asked them for assistance in order to employ a river bailiff—you need not read the letters?—As far as I recollect, sir, it was this. They were anxious, they say in this letter, to give me assistance that they could, but, as the case of many other people in this country, money was very short, and unless we could pay for the bailiff, or gamekeeper, they did not seem to think that they could do anything as far as money was concerned, but they offered, as I understand, that if we were able to find money sufficient for the purpose, they would grant a warrant for the keeper.

10455. Of course they would give a warrant for the bailiff?—Yes.

10456. They would empower him as their servant?—Yes.

10457. Has any effort been made to bring the riparian owners on the Camlin and its tributaries to-

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Mr. J. MACRAE WILSON, M.P., &c.—continued.

[LONDON.]

Chairman—continued.

gives to consider this subject?—Only in this aspect, that when we had our game protection meeting twelve months ago, on a little more, one or two or three of our members were asked to approach anybody who had fishing on the Camlin here and consult with him as to what was the best course to pursue, and, unfortunately, Mr. Pearce, who was very keen about it, has since died. He was the Clerk in this Court, and without his assistance (as I was not in touch with the fishermen myself, I being only a shooter) the thing for the moment dropped. What was thought was this, but I did not agree with it. It was asked by one gentleman at the committee meeting that he thought the great difficulty was, that the riparian owners, if any effort were made to protect the river, would resent it, and that the riparian owners, or some of them, would poison the river. Now I don't agree with that. He was afraid, of course, as a fisherman, and he rather argued that point, but I don't agree with that, because it seems to me unlikely that they would poison the Camlin.

10452. Do they poison it now?—No, I should not think so. I think the suggestion was, that if a baitfish were appointed to protect the Camlin, some of the riparian owners might take exception to it and poison the water, but, if they did, would they not poison their own cattle?

10453. They might not poison their own cattle. But you asked us if we could give any assistance in order that there might be a commission of the riparian owners for the purpose of protecting and preserving the Camlin?—That is what I think, sir.

10454. Of course we desire to encourage such commission in every shape and form, but it will be for

Chairman—continued.

the local people to establish an organisation and exercise the riparian proprietors. I presume there are some of them who have considerable stretches of the river?—Yes.

10451. Then it would be for themselves to arrive at some plan by which they could meet together and consider how it would be done?—Quite so, sir.

10452. Then it might be made an asset, and the river might be rented?—Yes.

10453. Is there any village or place in the neighbourhood where trout fishermen could stay for the purpose of fishing on this river?—Oh, there is this town here, of course, and there is the village of Bellinzie, just beside myself, and just going towards the head of the river which runs up through Kishbrody.

10454. This trout fishing is a thing that must have a beginning?—Quite so.

10455. And until the river is preserved it is not worth while for any man to pay for fishing?—Quite so.

10456. But there is no reason why, at the end of a year or two, it should not be made to produce something sufficiently considerable to be divided amongst all the riparian proprietors, as well as to pay all the expenses of preservation?—Yes, quite so.

10457. So that that is a thing that ought to be encouraged?—Quite so, and it was with that object, Sir David, that I have ventured to come in.

10458. To ventilate it?—To direct a little public attention to the fact that a river ought to be worth preserving, and that these riparian owners ought to realise that it is so; otherwise, unless there is some money made of it, it will all go wrong, and there will be no attention paid to it at all.

Dr. DE COURCY FORRESTER, examined.

Chairman.

10459. Where do you live, Dr. Forrester?—I live in Templemichael, one mile from the town.

10470. You know the Camlin river?—I know it pretty well.

10471. Can you tell us about it, the length of it that is fishable, and what sort of trout there are in it?—The length of it that is fishable is, roughly, from the Shannon up to Bellinzie, that is a matter of about, as the river goes, 12 to 14 miles.

10472. Is it a rapid river?—In places there is a fairly good current, but in other places it is a very sluggish river indeed, with a muddy bottom, but there are two or three places where there is a fairly rapid run of water.

10473. Does it come from a lake or from drainage?—Mr. Deasy has just told me about the source of it. It flows near Gorman, and then there are several rivers that flow into it, smaller streams.

10474. Drainage?—Drainage, quite so.

10475. How much of this river have you fished, as you are a fisherman?—I have fished on it from the Shannon up to Bellinzie in different places.

10476. And what sort of fish?—Trout, nothing but trout.

10477. What size do they run to?—The biggest I ever caught in the river was about two pounds, but they have been killed a little bigger, and I might say that the average would be from a half pound to a pound.

10478. It is a sluggish river?—A very sluggish river.

10479. Are the trout of good quality?—Yes, the trout are all right when you get them.

Dr. McHaffy.

10480. Pink?—Yes, they are good trout, pink.

Chairman.

10481. Is there much poaching on it, or is it worth poaching?—Well, the worst thing about the river is that there are very few fish in it, but I think if Mr. Wilson's suggestion could be carried out there might be an effort made to increase the supply by means of fish into the river by means of a hatchery, or something of that sort, and then the Conservators could pass some bye-law that people who fished on the river should

Chairman—continued.

not be allowed to take out small fish. That is what runs it.

10482. Do they net them?—No, they catch them with the rod. I have seen men catching the fish as long as your thumb and putting them in their pockets.

10483. That is worm fishing?—Worm fishing, or with flies. I have seen them taking them out with flies. The small fish like that well, of course, rise very freely, and of course that spoils the river for other fishermen, because, of course, those fish don't get a chance to grow.

10484. From your description of the river, as a sluggish river with a muddy bottom, it does not appear to be very inviting for getting tourists?—Yes, but there are places in it where you could get very fair trout.

10485. Salmon don't run up?—I have never seen salmon in it, but I believe they have been got.

Dr. McHaffy.

10486. They don't spawn at the head, do they?—Oh, not to my knowledge at all.

Chairman.

10487. In addition to what Mr. Wilson says, you introduce a new feature, and that is a contribution for the purpose of establishing a hatchery?—That, I think, might be a considerable benefit. I think it would certainly do good, and it would also be well to stop, if possible, fellows taking small fish out of the river. Let them catch them if they like, but let them put them back again. There should be a penalty for anybody taking small fish out of the river.

10488. That is rather difficult, is it not?—It is rather difficult.

10489. Did you ever make any application to the Fishery authorities in Dublin to draw their attention to that?—I never did.

10490. And, of course, that is one thing that could be done, and my colleague, Mr. Green, tells me that they have the power, and that they might exercise it in that direction if there was reason to do it?—Well, if there was a small licence imposed on all trout fishermen there would be a certain amount of supervision, even though the licence might be ever so small.

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Dr. DE CORNER POTTERTON—continued.

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Mr. Green.

10491. That could not be done without legislation?—I suppose not.

10492. The other thing is a matter that we could deal with, that is, prohibiting the taking of fish under a certain length, which might be decided on. If we are asked to do it, I believe we could consider it. That is a matter of bye-law, and we have made bye-laws of that character for a good many rivers?—Well, if that bye-law could be made here, I believe it would do a certain amount of good.

Chairman.

10493. The first step to take is to bring about a combination of the people interested in it?—Yes.

10494. And then the thing could be discussed, and you could arrive at some definite plan, and you could make your application to the Fishery authorities, and you could also say to what extent money might be contributed to establish a hatchery?—Yes, that is the great error.

10495. But till you agree amongst yourselves, and let the people who can help you outside know what has been done, you cannot get on?—I understand.

Mr. Green.

10496. Do you think the expectation is, that the riparian owners would combine to make the river more valuable than it is, that is, that they would combine for the protection of it?—Well, if it was pointed out plainly to them that it would be an asset that something might be made out of, they might possibly combine.

10497. There are only some parts of the river that are really valuable for angling?—Oh, I can't say that

they are valuable, but there are some parts of it that are better than others.

10498. I don't say valuable now, but some parts, where there is a fairly rapid current that might be developed in a few years?—Yes, the fishery could be improved if there was a larger supply of fish put into it, but those places are few and far between in the river.

Dr. Makeff.

10499. What would be a good day's fishing there?—The best I ever killed was fourteen, and that was when the May fly was on.

10500. Not very big ones?—Very small fish, there was not one of them two pounds.

10501. Many of them a pound?—Some of them, but the average run would be half a pound to a pound.

10502. Does the river hold pike?—Yes, there are pike in it.

10503. Especially in these muddy places?—Yes, there are pike in them.

10504. In anything done to kill the pike?—I don't know, but there are no measures taken to exterminate the pike, at any rate.

10505. But you could diminish them very much by closing the spawning areas, when they are in the spawning places you could kill a great many in that way. Are there any other pests that you complain of? In addition to the pike in the river, for instance, are there eels?—Occasionally, and keepers.

10506. There is nothing else you complain about?—No, and I don't think the keepers do a great deal of damage. I have seen very few eels in the Cam in myself.

10507. There is not any poisoning or any villainy of that kind?—Well, not that I know of.

Mr. JAMES WARREN FLEMING, examined.

Chairman.

10508. Now, Mr. Fleming, we wish to have some information from you. Where do you live?—On the Shannon, at Tarmaherry.

10509. Are you a fisherman yourself?—Yes.

10510. How do you fish?—I fish with the snap net, and then two yokes back with a long net, a net of forty yards long.

Mr. Coldereed.

10511. A draft net?—Yes, a draft net, for two years.

Chairman.

10512. Now, you heard the witness that gave evidence with regard to that Cut?—Yes, the cut a mile below me, a statute mile.

10513. You fish up close to the weir?—I fish in the evenings with a red on the Cut, but in the mornings near the weir wall at Tarmaherry, on my own water.

10514. Does your property reach down to the river?—It does.

10515. And it is as a riparian owner, of course, that you fish there?—Well, Tarmaherry was allowed to be fished any way up to this. I have never asserted any right or stopped any gentleman who wished to come with a red to fish there, but I would stop anybody who tried to net in, if they did try to do so, but they do not.

10516. Then there are limitations with regard to netting?—Oh, yes, I make them. If anybody came to net on my own place I would not allow it. I would not allow anybody else to net on my place unless they were entitled in a court of law.

Mr. Coldereed.

10517. Do you have both banks of the river?—No, only one side.

10518. That is the Longford side?—Yes, the Longford side.

10519. Do you fish the whole breadth of the river?—The far side is owned by the Board of Works. They own the fish bit, and it is no good to fish. I understand that you, gentlemen, are going out to see the place. The weir is not at right angles across the river.

Mr. Coldereed—continued.

And those gates, those great sluices, running out and the stream all down my side, so that my side is the only part that is fit for fishing.

10520. And your fishing is reserved for yourself alone?—Yes.

Chairman.

10521. Now, have you any suggestion to make with regard to this fishing. You heard what the witness said as to the length of the season. Have you anything to say about that?—Well, my idea would be more protection. Just like Dr. Potterton, I would go for a small license to be put on trout fishing. I think that would have a good effect. I know the river from the sea, from Limerick City into Lough Allen, and all about the fishing. I am a fairly good angler, and I remember my father fishing before me. I saw 21 salmon killed in one day at Tarmaherry, killed illegally. There were times then, in certain conditions of the water, when you could kill any number, but that was all changed by the gates, and the fish at Tarmaherry go to the upper Shannon altogether. The fishing at Tarmaherry has been altogether destroyed by the gates.

There was one old fisherman, to whom I got your Secretary to write asking him to come in here, but he was going off to his work to-day, and I could not induce him to come in. He would have described to you this history of it, and how he killed 120 or 130 with his rod. The gates have changed all that, and they have gone to Boyle. The fishing at Athlone last year was splendid. I was not there, but I have good evidence, and the fishing at Tarmaherry was left of no use. The water was too low. It delayed the fish at Athlone, and when they came to us then the water commenced to get right. The fishing with us, and on the Lodge Cut below me, commences legally on the 1st of February with rods, and on the 12th of February with nets. Some years you will have a good season, and other years none at all. It isn't that the fish don't come, but they all go to Boyle.

10522. Several persons fished in this Cut, and we heard that properties have passed there to the tenants, though they are not vested yet?—Yes.

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MR. JAMES WARREN FLEMING—continued.

[LONDON.]

Chairman—continued.

10525. And the tenants have received the fishing rights. Now, how will the position of the people who fish at present be affected if each one of these tenants asserts his right to fish with the net as a riparian owner?—It will have no effect. Not a solitary creel not will be fished, owing to the lands having passed, not one.

10526. Might these riparian proprietors combine for the purpose of seeing if they could get anything for their rights—you say they might fish individually, but do you think they might be got to combine in the way I suggest?—I would rather not answer any question, unless you press me, with reference to the Cut. There are fishermen here who are the three riparian owners. Here is one, there is another, and the third man has no interest in fishing, and never will have, and I leave all that to them because I don't want to say anything about it. It is the Cut alone, and everybody fishes in the evening with rods, and it is splendid for salmon if the water comes suitable.

10527. The difficulty, as far as I can make out from you, is, that a great change has been made for the worse by the fixing of these gates?—If there is a high flood there is no fishing, and if you get too low water there will be no fishing, but if you just get a suitable amount of water the fishing will be good; all fishing with us ends in May. The season opens on the 1st of February and on the 15th of February the nets work out on the river, and your chance of fishing with the rods are very bad after that.

Dr. Macgilly.

10528. Have you good rod fishing on the river?—Three or four years ago fifty fish were got. I got thirteen myself, and I saw one man get twenty-two.

10529. That is the highest?—That is the highest, and it is a rare thing.

10530. With the fly?—No, there is no fishing with flies now with us on the Cut. They avoid the flies practically.

10531. With shrimps?—With guillets and shrimps, and a little fish called a colliegh, with hains in the nose. We fish altogether for the pot. There is almost no sportsman fishing at all.

Mr. Colderwood.

10532. When were those navigation works put in?—I should say that they are eighty years there. Before that you could catch with flies in April and May, and from March on.

10533. You say that the effect has been to make the fish pass more quickly on to Boyle?—On to Boyle. They were more or less stopped at Tormohry. From the time you leave us till you are at Lough Allen there is no stop, or hardly any stop, as there must be in certain waters. I know all the reaches from Killakee. The fish can go wherever they like, and when they come on again to Meelick, they can get up any way they like through the gates; and then they come to Athlone, twenty-six miles from Meelick, and there they have got high water, and when they pass as they are very little touched till they go to Boyle. And there was an inquiry by Mr. Holt at Boyle within the last two years, and the time of fishing was changed. I went up to Boyle myself at that time to give evidence, and they asked me not to advise any change in the fishing time. And they would be in favour of allowing us to fish, say, on the 25th of January or 25th, in most years. If you get high water, all are close gone to Boyle. As far as I am aware, the Board makes no effect, or can't afford to make an effort, to prevent the hundreds of salmon that pass above us up into Lough Allen and into Boyle.

10534. There is a very large run of salmon still going on?—Yes.

Chairman.

10541. Where do you live?—I live in the Co. Limerick with my father who is surgeon there.

10542. Are you a fisherman?—Well, I try my hand at it a little, not with very great success though.

Mr. Colderwood—continued.

10528. And the effect of the navigation works has been to transfer the fish?—To transfer them from Tormohry to the higher waters, where there is little or no protection, injuring the local fishing with us. But there is very fine fishing in suitable water, and I have never asked to stop anybody in the twelve days from the 1st to the 15th of February.

10534. Is there any netting above you?—One man nets above me, say, two miles.

10535. Is there any netting up to Boyle?—Oh, at Boyle, worse of all. Of course it seems hard for a man like me to get up here and say I am against the people at Boyle, but everybody knows on Colonel King-Harman's property the peacocks are wealthy.

10536. What distance are you from the sea here?—A hundred miles exactly, and Boyle is thirty-two miles above me, and with regard to the net fishing at Boyle I have to put that down, I think, to Mr. Justice Ross. A few years ago his Lordship permitted the authorities at Boyle to take up fishing in June and July, and am I not right in saying that he authorised the authorities over the estate at Boyle to net the Boyle river, and they are doing it ever since, that is to say, for the last three years, and they kill an immense number of salmon, not at Tormohry, forty miles from the spawning beds, but at Boyle, two miles from the spawning beds. And there is practically no water for the fish going up, and when you are in Boyle it will be worth while to see it, and I know every inch of the water, and it is just a matter of the amount they collect in taking them out, and it must reduce the supplies of the Shannon. I know the river, and my opinion of it is that there is no water in the whole place capable of being fished with net or rod except through the malice of the Board of Works, with the exception that I can fish, in spite of anybody, one small piece which is worth very little, but all the fishable bits of the river belong to the Board of Works.

Mr. Green.

10537. You have got a fishable bit of the river, and that doesn't belong to the Board of Works?—No, they have the other side.

10538. And the other side has got no net?—The other side has no net.

10539. They have a good bit at Booskey?—They own both sides of the river, and there is no fishing at all.

10540. And the Board of Works is in possession of the best of the river?—Yes, of the best of the river, except below Athlone a little bit, and also up our way; and then, at the inquiry held in Boyle within the last two years, I have heard men get up there and swear most extraordinary evidence, and I don't like to go so far as to say that they were swearing lies, but they wanted to get the fish. I have even heard people talk here to-day about fishing in different rivers. If I had a million a year of a salary, or property, or anything else, I would not give £5 for all the trout that is in every river within ten miles of where I live. You heard the evidence about the Carlin both from Mr. Wilson and Dr. Patterson, and if you give me £4, a pound, and let me take them illegally, I can take £50 worth of trout out of the Carlin. What are they there for? They are all now with their stomachs bigger than their backs, they are on the point of spawning, and above Athlone is the only place where you can catch them in a sportsmanlike way with rods and lines. The moment they are done spawning in the month of January they are every one gone away, and the whole thing is not worth three half-pennies. At the head of my place a man from Longford came out and killed one or two, and it is a rare thing to see a trout a pound weight in Tormohry.

MR. N. W. MACEN, examined.

Chairman—continued.

10543. What information can you give as here that you think will be useful in furthering our purpose?—Well, the only information I can give that I think would be of any use at all would be with regard to the

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Mr. N. W. Mason—continued.

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Chairman—continued.

watching of the small streams, because I think there is more damage done there than anywhere. It is not so long ago when I was out shooting that I saw a man, even this month, fishing in the river; that is the time, I think, that the damage is done.

10344 How was he fishing?—With rod and line.

Dr. Mahaffy.

10345. On what river was that?—It is a small river here called the Dook river, about two miles from here. A lot of fish go up to spawn in that river, and the man told me that he got a good haul out of this river.

Chairman.

10346. Do you say that it was salmon he was fishing for?—Oh, no, trout. I cannot give you any information whatever in the salmon line.

10347 Has any attention been paid to the preservation of trout on these rivers?—None whatsoever that I know of.

10348. Your observation would be really in support of what Mr. Wilson said here?—Well, I was not here when Mr. Wilson was examined, but I think the Camlin and all these little rivers and tributaries of the Camlin are every one of them netted. I know men who have told me themselves, and in talking to them and pumping them like that I found that they did a good deal of fishing.

10349. And is it all trout fishing?—All trout fishing. 10350. None of the owners on the banks of the river derive any benefit whatsoever from it?—Oh, not in the least.

Mr. MICHAEL MAGAN, examined.

Chairman.

10358. Where do you live?—At Killybegs, a place within four miles of Londonderry.

10359. Are you a fisherman?—Well, I do a little trout fishing occasionally.

10360. Is it in trout fishing you are interested?—Yes.

10361. On what river?—Well, almost all the small streams about, and upon the Shannon when the water is in good condition.

10362. Is there any particular stream?—Well, there are trout in all the small streams about, a great many trout, if they get any form of protection.

10363. What have you got to tell me about the subject of my inquiry—you have heard the other evidence?—I am afraid I can't add very much to what has been said already, but I think the farmers should be circumscribed by the Conservators on the advantages of protecting the fish, and the disadvantages of destroying the fish or killing them out of season, and if these things were brought under their notice they would welcome any suggestions of that sort. And I am sure they would not be against the fish being protected.

10364. I am sure they would not be against the fish being protected, but can you suggest some method by which they might be induced to combine for that purpose, and do you think they would give a subscription?—I am afraid they would hardly do that. Their interest is not great enough for that. They are not fishermen, and they don't understand the danger of using these uncertain fish.

Mr. Green.

10365. Is there any chance of getting up a Fishing Association here that would take in hand the preservation of these trout streams?—I am afraid not.

10366. They are doing it in other parts of the country?—I know they are in England, but here there are a lot of small tenants having rights along these streams, and they would be in a position to stop anybody fishing along them.

10367. But could not there be an arrangement made with them, just as there are associations on the Bann and other trout rivers, where they have associations for the protection of the trout fishing, and they get a lease of the rights of the riparian owners by arrangement,

Chairman—continued.

10368. Of course you require a combination of the owners before you can preserve the river?—Oh, of course.

10369. And the whole point is to induce the people to combine, with the hope that the river would be worth something in time?—Yes, but I think that would be rather difficult here. I think Mr. Wilson and others some two years ago tried that, and I think they got rather rebuffed all round over it, because I think that when they wanted to get the people to watch the river, the people told them that they might all go to heaven, and that they would do what they liked with the fish.

10370. I am afraid that the remedy is difficult to find?—I don't know how it could be done.

10371. Have you any suggestion to make?—Well, even fishing for trout I would have a small license put on them, and let that go in some way to the preservation of the river. If you could get a small license put on, and could make them take out a license, that would stop all these small fish being taken out. I have seen men in the Dook killing trout two inches long, just to make bait for pike. Men who fish for pike take small trout that are absolutely useless for anybody or anything.

10372. Except for bait?—Except for bait, and I suppose they would grow up to be big trout some day. And another thing that spoils the fishing in the Camlin here is the sewage matter in the town, and the drain from the gasworks.

10373. They go into the Camlin?—Oh, yes. Some years ago the fishing in the Camlin was quite good, but this year there is no fish in it at all.

10374. That is only in the lower stretch?—Yes, that is below the town.

Mr. Green—continued.

because it seems that all this kind of thing is more a matter for an association than anything else?—I dare say it is.

Chairman.

10375. The farmers at present do not prevent people from going on their lands to fish the rivers?—Oh, they do not.

10376. Well, supposing that a Fishing Association such as Mr. Green suggests, compelling, say, twenty people, would say, "Well, we will do something, we will make up a small subscription among ourselves, and we will do something towards the preservation of the trout river," is there any reason why, if that was done, the farmers should refuse to allow them?—I don't think the farmers would be any obstacle in the way of fishing being carried on in that way.

10377. Would they be afraid the Association would not hold the river for them exclusively, and then they would not prevent other people?—I do not think they would, exclusively. They do not at present stop poaching.

10378. In the case of such an association, you would have to combine two things, one is the consent of the farmers to allow members of the association to fish?—Yes.

10379. And the next thing would be to ask the farmers not to allow anyone else to fish?—I don't think that would be necessary, because I would allow anyone that liked, legitimately and in the proper season, to fish, but I think there should be a contribution towards the stopping of poaching, that is to say, stopping the destruction of fish in the close season when they are going up to spawn. That is where I believe the harm is done.

10380. And certainly the taking of the small fish?—Yes, and there are great quantities of fish destroyed in all the streams at this time of the year, there is no doubt about that. Of course I am speaking now of poaching.

Dr. Mahaffy.

10381. You say that you are a trout fisher not only in these streams, but also in the Shannon. Do you fish much in the Shannon?—Yes, when the water is suitable.

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MR. MICHAEL MAGAN—continued.

[Continued.]

Dr. Mahaffy—continued.

10375. In a boat?—In the boat in the dipping season in June.

10376. The water is still enough for that?—Yes, about Lough Roe.

10377. But you don't fish the actual stream of the Shannon for trout?—Oh, yes, I do.

10378. And with flies?—Flies and minnow.

10379. Do you do that out of a boat?—Yes, off the banks and out of a boat as well. The Shannon is an peculiarly situated at Tinnah that there is no good fishing off the banks of the river as out of a boat.

10380. And is there good trout in the river?—Oh, excellent, at times.

Dr. Mahaffy—continued.

10381. Have you got big trout?—Yes, up to seven pounds weight.

10382. With a fly?—I never got them so large as that with the fly, but I killed a number of them five pounds with the fly. This was with the minnow. I have killed them on those little rivers that run into the Shannon. I think the Camlin is one of the best rivers for trout, and I don't agree with Dr. Pollockton when he says that it is a sluggish river.

10383. What would be the best day on the Camlin?—I never got more than five or six trout in the hour, but I only fished the Camlin when it runs into the Shannon.

MR. JOHN FREEST, examined.

Chairman.

10384. Where do you live?—Ternmoreberry.

10385. I think you can give us some information in regard to the fishing there?—Yes, sir.

10386. Are you a fisherman yourself?—I am a water bailiff.

10387. But are you a fisherman yourself?—I was before I was appointed a water bailiff.

10388. Yes, of course, are under the Limerick Conservators?—Yes, sir.

10389. Under whose immediate supervision are you, who is the inspector over you?—Mr. James Gilmore.

10390. He is not here?—No, sir.

10391. What stretch of the river is in your charge, or what stretch do you watch?—Fourteen miles, from Roskilly to Lanesborough.

10392. Is that in your charge at all seasons?—Well, I take the hy-dams and tributaries during the close season, this time of the year.

10393. Do you get any help during the close season?—Yes, I have an assistant in Longford, at present, and I have another in Roskilly.

10394. Now, do you have any prosecutions?—Oh, yes, sometimes.

10395. For poaching?—Yes.

10396. When had you any prosecutions?—Well, it is about two years ago since I had the last. Last February I issued a net upon the Cut. The parties that were using it made away from the boat, and I took the net.

10397. What sort of a net was it?—A snap net.

10398. And where did you catch it?—There is a bend of the river at the entrance of Lake Forbes.

10399. Were they fishing at the time?—No, I heard a noise of a boat, and I made in the direction of where I heard the noise of the boat coming and I shot in, and this baited from Roskilly was supposed to meet me at that time at that place, and I thought it was my assistant that I saw go from the boat or I had the man. But I got the net hanging over the side of the boat, and I took the net into my boat, and, of course, the men got away. It is a rocky kind of place, with big bushes, and it was very hard to catch a man running.

10400. They were not fishing at the time?—They must have been after fishing, because the net was wet.

10401. You did not identify the person to whom the boat belonged?—I could not do it.

10402. There were two people there?—Only one; the other made away round the Camlin river.

10403. That is last February?—Yes. I made four prosecutions two years previous to that.

Dr. Mahaffy.

10404. The last two years you caught nobody?—Well, they keep a watch-out for me.

Chairman.

10405. They are afraid of you?—Well, more or less.

Mr. Green.

10406. Was that above Lake Forbes?—At the entrance of Lake Forbes.

10407. The upper or lower entrance?—At the upper end of the Cut.

Chairman.

10408. Do you stay the whole time at this portion of the village?—Yes.

10409. What salary do you get or wages?—7s. a week. I was appointed at 12s. and I was reduced to 7s.

10410. I thought this was a time when wages were going up instead of down?—My wages are only 7s. a week.

10411. Do you do anything else for your livelihood?—Well, I do.

10412. What, you are not a farmer, are you?—I am not. I am living in a labourer's cottage.

Mr. Green.

10413. Are salmon now running through Ternmoreberry?—Yes, good. I saw peal and white trout crossing the walls about a fortnight since. The white trout came this time of the year.

10414. And are they running the wall?—They cross the wall.

Dr. Mahaffy.

10415. Is there any white trout fishing in the Shannon?—No, I have never seen white trout killed with any class of bait at Ternmoreberry, but I saw as many as 20 brown trout this season killed in two days by one man, and the average weight was about three pounds.

Mr. Green.

10416. What time of the year do you see most of the salmon running the wall?—It is according to the water; in heavy water you might see them about the month of February. There is no time you will see as much fish.

10417. That is the time you will see most of them running it?—That is, salmon, spring fish.

Chairman.

10418. What sort of fishing did you carry on before you began as water bailiff?—Salmon fishing.

10419. Were you a man with a net?—I was fishing for Mr. Fleming. I was the first man that ever used a net with him. I lodged for him besides.

Dr. Mahaffy.

10420. Do you think the fishing is getting better or worse?—I never saw so much brown trout as this season at Ternmoreberry.

10421. And is there cod-fishing for the trout?—There was very good cod-fishing for any person that would come. I saw one man, a military pensioner, that killed eleven one day and ten another, and the average weight, I would say, was about three pounds each.

10422. What did he catch them with?—Worm and a brass minnow about a quarter of an inch.

10423. Were those white trout or brown?—Brown trout.

10424. Were they good fish to eat?—They were, very good.

10425. Pink in the flesh?—They are. About the commencement of October they are very good.

22nd November, 1911.] COUNCIL THE HON. HENRY EDWARD MALVERN, B.S.O., B.A., J.P., examined. [LONGFORD.]

Chairman.

Chairman—continued.

10626. Where do you live?—On Lough Sheshin.

10627. You are a fisherman and interested in fishing?—Yes, I am President of the Trout Preservation Association which we started a few years ago.

10628. We would be very much interested in hearing how it has succeeded, and any other information you can give us to further the object of our inquiry?—Certainly. We have preserved as far as we could, that is, we watch the rivers and watch the fish that spawn, and we endeavour, as far as possible, to prevent the trout being netted with other coarse fish. We employ hatchlings, and we spend a certain amount of money every year in purchasing ova, which amount the Government double. They double whatever money we pay for that up to £30, and we put out the ova. We have turned out fish up to 60,000 a year, for the last six or seven years, or perhaps more. And the result is that fishing has greatly improved and the number of people that come down there to fish have largely increased. We hope eventually it will be worth people's while who live round the lake to come forward and help us a little more than they are doing, and it will put a certain amount of money in their pockets by having out boats and themselves for rowing and that kind of thing.

10629. Are your hatchlings confined to the lake and the rivers running into it?—The lake and the small rivers running into it.

10630. And is the fishing of any value in the rivers?—No, I have never heard of it being the least bit of value.

10631. You say that you are putting fish into the lake?—This year we are going to trap them into spawning beds and hatch out the ova in a place we are building for them when we have purchased the necessary arrangements.

10632. How was this association formed?—A few of us got together and we subscribed so much a year, and we hoped that those who came to fish there would also subscribe so much a year, and most of them do.

10633. It is not free, is it?—Perfectly free; oh, yes.

10634. But, of course, the local people derive some benefit from letting their places?—Certainly, they do.

10635. Do they give you any support?—Well, a few do, but very few. I think very few of the local people, not more than half a dozen, help, and those who talk most give nothing. That is what we find.

10636. Well, you do get some contributions from the people who come to fish?—Oh, yes; last year we got about £20, that is, last season, and I suppose about half as many more came to fish who did not subscribe.

10637. And I suppose it would not be possible to charge a fee of so much a day for the fishing?—Well, I don't know. That might rather choke the people off. I think it would be better to leave it to their own good feeling.

10638. Are they increased?—No.

10639. No increase?—No, and the difficulty we have is that the local people who live at one end of the lake, at the western end of it, try to charge them 10s a day for the hire of a boat and five shillings a day for a man to row.

10640. And I suppose you cannot control them?—Oh, we have no control. We can talk, that's all we can do.

10641. This is calculated to choke people off, because if it is known that they are over-charged they are not likely to come again?—It does not do for a man in one end of the lake to have to pay 10s. a day for what a man at the other end gets for 5s. a day.

10642. How long does this fishing season last?—The dropping season is from May to the middle of June, and then there is the artificial fly fishing afterwards.

Dr. Mahaffy.

10643. That is not so good?—It is not so good as dropping, but there is no reason why it should not be good.

Chairman.

10644. What is the size of the fish?—Mr. Rotham, our Honorary Secretary, gives us the figure of 1,014

fish last season, weighing 2,341lbs. They go to 8lbs., 7lbs., 6lbs., and 4lbs. A Scotch gentleman came over who was acquainted with the big lakes in Scotland, and he has never seen such fishing before, he says.

Dr. Mahaffy.

10645. In all these Westmeath lakes, do they take the fly very freely?—Well, the natural fly they do, sometimes.

10646. Are there convenient places for visitors to stay?—Those places that we have are very comfortable. I live at the lower end of the lake.

10647. Where do you fish specially?—We fish all round the lake, both ends. We have a considerable number staying at our houses and in tents.

10648. Is there any village where people could stay?—There are a couple of places for people to stop in, and at Fines there is a small hotel.

10649. Most of it is in the Co. Carlow?—Yes.

10650. Is August very hot from it?—Kingstown is too far from it.

10651. Do you catch the ordinary trout—you don't get any of the salmon species?—No, the ordinary fish.

10652. Are there any pike?—Yes.

10653. Do you do anything to keep the pike down?—These hatchlings specially fish for them, in various ways, in the season.

10654. You don't catch them spawning in the reedy shallows where they breed?—We've tried to get at them in every way, and we have been very successful.

10655. I know lakes where they are very successful in driving a net across the shallow, reedy corner in the spawning season of the pike, and it is a very good way to keep the pike down. That has been done by Sir John Leslie?—Witness.—Oh Obedience?

10656. Yes. He has a lake in the Co. Donegal, near Rosigo, and in that way it is carefully done with very great success, and he can tell you all about it. Are there any other pests that you complain of?—A tremendous number of gulls.

10657. What harm do they do you?—They eat the ova and fry.

10658. And you have got a number of small rivers?—We have only about three where the fish spawn.

10659. Well, that is very lucky, as they can be protected?—We do protect them as far as possible.

10660. And hence you have too?—Yes.

10661. Have you coarctants?—Yes, there are some coarctants, small coarctants, I have seen very few of the large ones.

10662. And you find the fishing has improved rapidly?—Yes, if the water remained suitable, the fishing would be really very fine.

Mr. Calderwood.

10663. What kind of gulls have you there?—We have some common grey gulls and some black-bank.

10664. And have you any evidence of their taking the fry and ova?—You see them dropping into the water quite close to you and coming down with a smack, going up with a fish in the mouth.

10665. And do you know what those fish are?—Perhaps perch. The perch is spawned towards the end of the dropping season, and the gulls become very active then, and I think they go for the fry.

10666. I see in the accounts here on them for cartridges for the bait. I suppose that is for the birds?—Killing the gulls, and sometimes coarctants and other vermin.

10667. Do the gulls interfere with or take the May fly?—I fancy they do. It is very hard to say what they take when they drop on the water.

Dr. Mahaffy.

10668. They heat up the water. I have seen that going on?—Yes.

22nd November, 1911.]

Mr. S. Bortoluzzi, examined.

[Continued.]

Chairman.

10669. Colonel Maxwell mentioned that you were Secretary of his Association?—Honorary Secretary, yes.

10670. Is it likely that the people who have subscribed to get up this association will soon be relieved from giving any subscriptions, that is to say, will it become bankrupt?—Oh, I shouldn't think so.

10671. You don't think so?—I don't see how it could.

10672. I mean by the selling off of the mantraps you got from the Department and what you got from people who come to fish?—Witness.—Do you mean, will it pay expenses?

10673. Yes?—I hardly think so. We have been using, to a certain extent, in order to put on these Scotch beiliffs, but now we are at our limit.

10674. Now, perhaps you will just give us any information, apart from what Colonel Maxwell has given us, that you think will serve our purposes?—Well, I think something might be done in keeping the lake at a uniform level of water through the flood-gates at Pines (which are automatic flood-gates), but they are not in working order.

10675. Who put those flood-gates up?—The Inny Drainage, I suppose.

10676. The Drainage Board?—Yes.

Dr. Mahaffy.

10677. It is looking after the Inny?—Yes, the Inny runs through the lake into the Shannon.

Chairman.

10678. The gates are out of order?—I believe so, yes, they are certainly not in working order. There are no gates there, but the house is up.

10679. Was attention drawn to that?—I spoke to the Engineer-in-Chief of the Board of Works a short time ago, and he said that if we complained to the Board that could be put right.

10680. That was encouraging?—Yes, decidedly.

10681. Have you complained?—No, not yet.

10682. You are encouraged then to make a formal complaint to the Board?—Yes.

10683. This would keep the lake nearer to an average level than it is at present?—Yes.

10684. That is where the Irish comes in?—Well, this summer, for instance, it ran very low indeed.

10685. This summer was quite abnormal and you could scarcely have kept the water up?—No.

10686. Is there anything else?—Well, we are not quite clear about the destruction of gulls during the spawning season, if it is legal or not, because they are certainly fluttering along in front of the boats and picking up a lot of the May fly, and people say they keep the trout from rising.

Dr. Mahaffy.

10687. A great deal of the May fly come up on these lakes, and there are plenty for the gulls and for you?—Plenty. Well, on some days there are hardly enough really to go round.

Chairman.

10688. The Wild Birds' Protection Act prescribes that as the season in which they cannot be taken?—Yes, that is the breeding season.

10689. Where does the gull come in there, or do you wish an exception made with regard to a lake or to have some description of variation as to that?—Yes, because a lot of our subscribers say that in other lakes in Westmeath they have got permission to kill the gulls during the season.

10690. From whom?—I don't know.

10691. That is to say they are not prosecuted?—No, they are not prosecuted.

Dr. Mahaffy.

10692. They say the gulls afford great quantities of plovers' eggs?—I don't think they do.

Dr. Mahaffy—continued.

10693. I always heard that the majority of plovers' eggs eaten in Dublin are wargulls' eggs?—Yes, but I don't think they breed around Lough Shelin much. I think it is below Lough Shelin, nearer Lake Deravaragh, that the majority of them come from.

Chairman.

10694. Is there anything else?—We asked the Department to pass a by-law prohibiting netting on the lake and cross lines fishing. The lake is so bog that we can't put on enough beiliffs to watch the whole lake carefully, and we have reason to believe that people who are by way of netting perch are really netting trout. On inquiring at a fish-dealer's in Dublin they told us that a large amount of the trout they sell them come from Lough Shelin, and still we cannot catch the people netting.

10695. What sort of nets do they use ostensibly for perch, as it drifts along?—Well, I am not clear about the nets, but certainly the trout find their way to the Dublin markets.

10696. Then what have you to say as to cross lines?—I don't know anything about cross lines. I fancy this is all done by net.

10697. Are not cross lines permissible if the persons are licensed?—Yes, I believe they are.

Dr. Mahaffy.

10698. You applied for a by-law to stop it?—Yes.

10699. That is to stop all netting?—And cross lines.

10700. And did you get the by-law?—No.

Mr. Cederstroed.

10701. What were the chief duties of your beiliffs there?—Well, at present watching the rivers altogether.

10702. For the spawning?—Yes, for the protection of the spawning trout.

10703. And do they also prevent this illegal netting of the lake or see that it is legal?—Well, they do then beat, but it is very hard for them to go round the lake.

10704. Do your water beiliffs devote all their time to their duties?—They do, yes.

10705. I see the expenditure for the Head Water Beiliff is given in the accounts. Is that an annual wage?—Yes.

10706. Is it only £12 10s. Is that the wage for the whole year?—Well, he only came to us in the beginning of November last year, so it isn't six months.

10707. Did he come to you from Limerick?—Yes.

10708. Then you have four or five water beiliffs, have you?—Yes, we keep two on permanently all the year round, and four others are put on during the spawning season.

10709. Is it a thickly populated district round the lake?—It is, rather, especially at Pines.

10710. Do you think there is very much poaching there?—Well, I think there must be by the number of trout that get into the Dublin markets. I don't think there is any doubt about the fish being from Lough Shelin. They are certainly identically the same.

Dr. Mahaffy.

10711. It is very hard to tell, they are no like one another?—Well, we can tell the Shelin trout from the Deravaragh trout.

10712. Can you tell them from the Lough Owel trout?—I have never seen Lough Owel trout.

10713. Did you ever have a good day rod fishing with the fly on the lake?—I got five fish one day this season.

10714. And big ones?—Four lbs.

10715. Was that in August?—At the end of July.

10716. Have you a second rise of the May fly there?—Nothing worth speaking of.

10717. But there is such a thing?—I believe so, yes.

22nd November, 1911.]

Mr. ROBERT DEVEREUX, examined.

[CONTINUED.]

Chairman.

10718. Where do you live?—At Drumma near Carrick-on-Shannon.

10719. Are you a fisherman?—I am forty years fishing at my trade.

10720. And have you any property on the river?—No, I live on the river.

Dr. Mahaffy.

10721. On the Shannon?—On the Shannon.

Chairman.

10722. You know the object of our inquiry here, and we should be glad if you would give us anything in the way of suggestion or information that you think would be useful?—Well, I suppose the main idea is to see how you could increase the amount of fish in the river. That is one thing. You can't do that without adequate preservation, and we are totally unprotected from Taimsherry up; in fact, the river is no good. There are hundreds of miles of tributaries without a single man on them.

10723. Have properties recently changed hands on the portion of the river that you are acquainted with, that is, have properties been recently sold to tenants?—They have.

10724. And has that made any change in the conditions of affairs with regard to fishing?—No, I don't think so, because there are only two salmons here between me and Boyle, and that is in connection with the Shannon river; and there is nothing to prevent any man going down and taking 20 or 30 fish out of it any night he likes.

10725. With the net?—Yes, certainly. The fish go through Boyle. I have personal knowledge that fish were selling in Boyle last year in the month of November for 1s., red fish, all taken of the place. I have had experience of two arterial drainages of the Shannon, one the arterial drainage in 1871, and the other by the Congested Districts Board at Lough Gara, and the fishing has gone down terribly in the last thirty years since the drainage. The fish used to stick between Drumma and Carrick, and that portion of the Shannon is not navigable at all, and we used to get plenty of fish three years ago, and before 1880, when they first put up the flood-gates; but now the fish run up straight the whole way and there is no fishing at Carrick.

Dr. Mahaffy.

10726. And there is no salmon fishing at Carrick-on-Shannon?—None. There is a lie for salmon there.

10727. Is there trout fishing?—There is an some of the lakes that I don't now fish. You will get trout trolling with the minnow. I have often got a dozen of trout.

10728. Then you have good lakes in which you can fish for trout?—Yes, very good lakes they used to be. I have fished every lake in Ireland except Lough Mask, and I have always got better fish in the lakes coming up to Stroudtown. Suppose I got 60 fish in the dapping season they would average 2½ lb.

10729. What lakes are you acquainted with at Carrick-on-Shannon?—Up at Rockingham, that is not very good. I have not fished Rockingham for twenty years. There are higher lakes, for instance, Lough Gara, that has deteriorated awfully since the Congested Districts Board opened up an amount of the drains.

Dr. Mahaffy—continued.

10730. They have spoiled Lough Gara?—They have spoiled Lough Gara, and the fish have gone up spawning in rivers that they never had an opportunity of going up before, and they are all killed. There is no adequate preservation, and I have seen all these other lakes the same way. They are all destroyed.

Chairman.

10731. What could you suggest to mend that?—I would suggest an uniform licence to be imposed, a 5s. licence for each trout rod, and I think the Clerks of Petty Sessions could issue the trout licence in the different places and account for the money the same as the dog money and let it go to the Fishery Office in Dublin. Now, take Lough Derg, the biggest lake I ever fished for drapping, and it would be very little trouble for the police to look after the production of licences by fishermen. There are police stations all round the place.

10732. That could not bring trout into the river or more salmon?—It would, sir.

10733. How?—By preservation.

10734. They are in charge of these drainage works, and that is a very different thing from preservation?—One or two men would do all that. And instead of being at different points they are at present all concentrated in the one place. I was shooting some years ago, near Down, and it came on a very thick fog, and I could not see a bird, so I sat down. Now, there was a countryman walking along and I was looking down a mountain stream with a pool in it, and said, "I think that would be a grand place for fishing," and he said, "Indeed it will, next month. Surely we can draw 15 lbs. fish there in December."

10735. Is Lough Allen good for big trout?—I have never fished it very much, but there was a friend of mine came from England who does nothing else but fish, and he never got a fish in it above 1 lb. The water from Lough Gara is clean. I think if there was a recommendation to the Government they could easily see their way to issue licences for trout fishing and stop the fishing on the 1st of October. I think the right of the Board of Works extends to the tributaries as well as the main river, and they can kill them any time. I know they did this year, because they went up in the flood. There is another matter I wish to mention, there are very large woollen mills in Athlone, and two or three hundreds of men have complained lately about the mischief done by the mills. They complained of it within the last week, and I told them I was coming here. What they complain of is this, that when they are cleaning the wool at the mill there is so current at low water except what goes through the Queen's Gap, and all this terrible stuff goes down through the Gap (you don't notice it when there is an overflow of water) and any fish that are there will never come up.

Dr. Mahaffy.

10736. How long does that process go on, or does it go on every day?—Oh, yes. I have been there regularly for a week and it has been going on all the time.

Chairman.

10737. You mean the dyeing and cleaning?—I mean the wool washing especially.

10738. And do people see the salmon there?—That I could not tell you, but salmon be at Athlone.

CAPTAIN J. G. MURPHY, R.N., EXAMINED.

Chairman.

10739. What you wish to tell us is that you think there should be a license for trout?—Yes, without funds you cannot do anything.

10740. Then, as regards this Drainage Scheme which Mr. Devereux has mentioned to us, and which has resulted in fish going up to places where they never got before and from which they never return. Do you wish to

Chairman—continued.

speak about that?—Oh, no doubt there are a great many salmon taken in the spawning seasons in the beds.

Mr. Green.

10741. Have you any personal knowledge as to the damage done by this new drainage?—Not the least. I don't know anything at all about it.

22nd November, 1911.]

MR. H. H. MURPHY, CHAIRMAN.

[LONDON.]

Chairman.

10742. What have you got to tell us, Mr. Murphy?—I have not much to say except as to what Mr. Devanish mentioned, that there is really a want of preservation here. I have not been here very long, but I have been fishing in other parts, and I fished a good deal. I think here in the winter we want a good deal more look preservation and to get the local people to appreciate the advantages of having fisheries coming there. I don't think that to appoint bailiffs is anything like as good as trying to educate these people, especially the new riparian owners and others, in order to let them see that there is an asset in the fishing. Mr. Devanish mentioned a 5s. license for trout fishing. Personally, I think that would be a mistake in this district, because we have got a good many fishermen of the poorest kind who could not afford to give 5s. These people see at present fishing for perch and things like that up in the river, and they take a personal interest in the river, and if we stop them fishing we stop a good many unpaid bailiffs.

Dr. Mackay.

10743. Could they pay 1s. license?—I think there is a great objection to paying for a thing they never paid for before, even if it was a penny.

Mr. Calderwood.

10744. Would a one-shilling license raise any revenue?—It would do no good and it would create a bad feeling. There are a great many small owners

Mr. Calderwood—continued.

who fish entirely by courtesy, and if we asked them to pay for what they regard as a right I don't think it would benefit the fishing.

Chairman.

10745. How do you suggest interest should be excited amongst the local people that would make them in fact bailiffs over the tributaries?—I think if these men can get an odd 1s. here and there for their fishing they should be left to do so and they would realize that any man who had got a really good stretch of the river could get some money for it.

10746. That would be the real inducement?—I should think so. Of course it is all a matter of 2 s. d., and I think you would find them after a while making more and more out of the fishing.

10747. But you don't think a combination amongst the persons who own land on the banks of the river would be possible?—Not here, so far as I know.

10748. And you don't think it would be politic to interfere with free fishing?—I mean trout fishing, of course. I am speaking particularly of trout fishing on the small rivers. I mean fur fishing.

Dr. Mackay.

10749. Would you do anything to prevent small fish being caught?—I don't think so. They are taking them, so far as I know here, almost entirely for pike bait.

The Committee adjourned.

TWENTY-SECOND PUBLIC SITTING.

THURSDAY, 23RD NOVEMBER, 1911.

At 10.15 a.m.

At the Courthouse, Boyle.

PRESENT:

THE RIGHT HON. SIR DAVID HARRIS, K.C.B., M.C. (Chairman).

REV. JOHN FENTLAND MURPHY, D.D., LL.D., D.V.O.
MR. W. L. CALDERWOOD, F.R.S.E.

MR. W. S. GREEN, C.B.

MR. R. H. LEE, Secretary.

CAPTAIN CHARLES SMITH, examined.

Chairman.

10750. Where do you live?—I live here in Boyle.
10751. Have you property adjoining the river?—No, I am here as a military man. I am serving in the barracks here.

10752. Are you a fisherman?—Yes, I am very keen on it.

10753. How long have you been here?—I will be here four years on the 25th of May next; in fact I am here since April, 1909.

10754. You fish here every season?—I fish here every season.

10755. Will you shortly give us any information you think would be useful for our purposes with regard to the fishing here. What have you got to tell us about it?—Of course, the preservation, sir, is the main thing. I was going to suggest that legal netting on Gara should be altogether stopped.

10756. Do you know what the season is for netting?—No, sir, I am not exactly sure. I could not tell you about that.

10757. Is the netting carried on to any considerable extent upon this lake?—The netting is carried on; there is one woman on the shore of Gara who has permission to net. She takes out a license and she nets. There are other people who have not permission to net,

Chairman—continued.

and they net illegally because she has got permission. I have made inquiries from fishermen and others, and I have been told that that is one of the chief reasons why people have purchased nets for illegal fishing, because one has got permission. That is on Lough Gara.

10758. Is that netting carried on for trout only or are other fish netted?—Any fish that come in their nets are taken. There are trout, perch and salmon. The salmon goes to Gara. Any fish that come into the nets are taken.

10759. I want to know what do come in?—They get trout, perch, salmon and a fish called brown, and a certain amount of pike.

10760. Well, your suggestion is that that netting should be prohibited altogether?—Yes, sir, I suggest that.

10761. From whom are the licenses obtained?—The Conservators of the Limerick Fishery Board.

10762. Have you any other suggestion to make beyond the prohibition of net fishing on Lough Gara?—Yes, I would suggest that if it could be possible there should be bailiffs appointed on Gara, and to give them a wage that would make them independent of the people around and so encourage them to do their duty.

23rd November, 1911.]

CAPTAIN CHARLES SMYTH—continued.

[Bovis]

Chairman—continued.

10763. Are there water bullocks there at present?—I am not sure, but I know there are some on the river; but I am not sure about Gars.

10764. Then your proposal is to put on halibuts, and to prevent illegal netting. Have you any other suggestion to make, apart from this question of illegal netting and how it is to be prevented or prohibited?—Yes.

10765. I propose you fish with rod and line?—I do, sir.

10766. And that is in the river?—In the river and the lake.

Dr. Mahaffy.

10767. Is there any netting in the river?—None, sir, that I know of. The river is very well preserved.

Chairman.

10768. You have no suggestion of all to make with regard to cross lines?—No, sir, I have none as regards the river or Lough Key. The lower part of Lough Key is well preserved, and the river is very well preserved, too.

10769. Is rod fishing carried on in the lake from boats?—From boats.

10770. Is there cross line fishing?—I have heard that there is a certain amount, but I am not quite sure. There is a little, but not to that extent that it would do much damage.

10771. Does the fly come on these lakes?—Yes, sir, we have the May fly here on the Glac lakes that are around.

Dr. Mahaffy.

10772. Is there artificial fly fishing besides?—There is.

10773. Is it really good?—Really good.

10774. What is a good day with the artificial fly, how much would you catch in a day?—Well, when I came here first, sir, the first year that I fished on Gars with the May fly at 6 o'clock in the evening—

10775. I am talking about the artificial fly?—Well, on good days I have known many people to get 14 and 16.

10776. Of a good sort?—The trout run from a pound and a half up to four pounds.

MAJOR JAMES FRASER MURPHY, J.P., examined.

Chairman.

10780. You are the Receiver of the King Harman estate?—Yes, sir.

10780. And of course you have been here a considerable time?—Eighteen years.

10781. And you understand all the circumstances of the place?—Yes.

10782. Is that estate being sold or has it been sold?—The King Harman estate is almost altogether sold, but the fishing and game rights have been reserved in every instance.

10783. Then so far as the passing of property bears upon the information that you want at this inquiry, the sale of the King Harman estate does not affect it?—It has more to do with Lough Key.

10784. And as regards the river and the portion of the estate which adjoins the river and where the rights are reserved things remain as they were?—Yes.

10785. Have those rights been reserved altogether or only in part?—Absolutely for all time.

10786. Now, what have you to say about Lough Key?—The King Harman estate was almost all—except a little corner that is not worth talking about.

10787. But with regard to that little corner, are there nets on it?—Not to my knowledge.

10788. I believe difficulties do arise sometimes in that way?—Sometimes. I have not met them practically, I have not met any difficulty arising out of the transfer of the riparian lands—not yet.

10789. Well, have the lands round the lake passed to the tenants or are they in process of passing?—Only part of one side has passed to the tenants. The other side forms the demesne and joins Rockingham.

Chairman.

10777. Do many people come here from a distance to fish on this lake?—A number used to come here some years ago, but they have now fallen off. Because the fishing got bad on one of the lakes they used to come to Gars, and the people have refused to come.

10778. Why did it become bad?—Through netting and poaching.

10779. Now, is there anything else you would like to suggest to us or to say?—Well, the only thing is this. During the season here (of course we are very well protected now, the river being in flood, so that they can't touch it), but I would suggest that there should be extra protection taken and extra battens put on to guard the fish, for a good deal of fish remain in the river after spawning.

10780. You would put extra hands on, and you think that when the river is low in the spawning season there might be something more done?—Yes, that is my idea.

10781. You know that doing anything in that way means money?—I do, sir, I am well aware of that.

10782. You don't know anything about the condition of the estates here or the passing of property or that sort of thing?—No, sir.

Mr. Green.

10783. Is your suggestion to prohibit netting on this part of the river altogether?—Oh, there is no netting on this part of the river, sir, but I would prohibit netting on Gars.

10784. On Gars only?—It is the only place here where netting is allowed.

10785. But from Carrick-on-Shannon upwards you don't know whether there is any netting from Carrick-on-Shannon to the source of the river?—I could not tell you that, sir.

Mr. Calderwood.

10786. You say that Lough Key is well preserved?—It is very well preserved.

10787. How is it preserved?—Major Murphy, the agent on the estate here, has a certain number of bullocks on the place, and also there is a patrol boat frequently with us at Lough Key.

10788. And it is done by private enterprise, or done through the Landrick Board?—I could not really tell you, but Major Murphy will tell you.

Chairman—continued.

10800. Have the fishing rights on the side which has passed been reserved?—They have, sir.

10801. And therefore the situation has not changed there?—It is unchanged.

10802. Before we pass from Lough Key, would you like to say anything with regard to it, as to the fishing there or the means for preservation, or have you any suggestion to make?—No, I think we have ample means to preserve Lough Key.

10803. It is mostly a private lake?—We have ample means for preserving it, but of course with regard to the boat which Mr. Gilmore has it has served us more than all the preservation that I know of since I came to this country, having kept it under close observation for eighteen years. I think Mr. Gilmore's patrol boat has been the most effective means I have known.

10804. Will you just tell us in that the Conservators' boat?—Mr. Gilmore is the skipper; he is then Head Inspector.

10805. Is the boat that he uses the property of the Conservators or employed at their expense?—That I cannot quite say; it is the patrol boat which makes the preservation of the river so effective. Yes.

Dr. Mahaffy.

10806. Is this on Lough Gars?—On Lough Key, not Lough Gars. Of course there being a scarcity of water they could not go there, Lough Gars being very shallow.

10807. Then the patrol boat goes on Lough Key and not on Lough Gars?—On Lough Key and not on Lough Gars.

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MAJOR JAMES FRASER MURPHY, J.M.—continued.

[BOSLA.

Chairman.

10806. Is it very effective?—It is, very.

10809. What stretch of the river does that boat patrol?—From Athlone to Lough Key, right down all the way.

10810. Now, as regards Lough Gara, you heard what Captain Smith said?—Yes.

10811. Are you acquainted with the circumstances of Lough Gara?—Yes.

10812. He says one lady there has a licence to net, and that a number of other people are netting without a licence?—Some people (I am not quite sure about their being riparian owners) are netting without a licence. I don't know that there are many at the present time. When I came I think there were more nets unlicensed, poaching and destroying the place.

10813. Do you know the season for netting?—The 12th of February to the 1st of August, I think.

10814. I suppose there is illegal fishing and men fish any time they can in or out of season. Is that so?—Oh, yes, and with an illegal mesh.

10815. As you know all this locality so well, have estates passed here to tenants where the property adjoins the river or lake, where the fishing rights have not been reserved?—Yes, sir, I think on Lough Gara there were one or two. The riparian owners were the King Harman estate, the MacDonnell estate, the French estate, the O'Connor Don, Mr. Flanagan and Mr. Charles Flannery. Those were all the riparian owners round Lough Gara before the sale of the estates.

10816. Can you say now in how many instances the fishing rights have gone to the tenants?—Certainly, in two of the estates sold.

10817. Has any change now been brought about in the fishing on the lake by the transfer of the riparian ownership from the landlords to the tenants?—It is not perceptible yet.

10818. Have the tenants taken any steps to realize something out of their rights?—No, sir.

10819. To realize something from their fishing?—No, sir, nothing.

10820. They have not?—No, sir; it isn't the least benefit to them.

10821. So far?—No, sir.

10822. Do you anticipate that they will?—No, I can hardly think so.

10823. Is there any other portion of the Shannon here within your knowledge where properties have passed?—No, not connected with this district.

10824. Apart from that, of course, you are aware that is the particular subject of our inquiry, to see how the passing of property has affected the fishing and the preservation of the fish?—Yes, sir.

10825. Have you any suggestions to make now, I mean any general suggestions, apart from your immediate experience here, as to how tenants might be induced to make use of their opportunities and to assist in enforcing the law and preventing poaching?—Of course as to Lough Gara, it was surrounded by seven or eight landlords who were practically owners of the whole place, but even that situation gave the lake the name of being an open lake. It was nobody's child. It was nobody's regular duty to preserve Lough Gara with so many landlords around it. Now, if you multiply the number of riparian owners the difficulties of preservation would be of course correspondingly increased, and I think the benefits that would pass to the people would be simply nothing at all. No benefit would pass by their becoming practically the riparian owners of the small respective portions which would touch the lake.

10826. Then really it was always free fishing?—Always an open lake so long as I remember.

10827. And the difficulty would be to arrive at any understanding by which the whole of the riparian owners would combine, and, I suppose, would close the lake except to persons who paid for it?—Yes, sir, that would be practically the only thing; or unless they would assign their rights to some Board, say, to the Board of Conservators. In attempting their rights they would simply be permitting somebody to prevent illegal practices, they would not be barring away any gun wharves.

10828. By the assigning of their rights they would give the Conservators a power that they don't possess at present—legality?—Oh, the laws against illegal practices are very stringent.

Chairman—continued.

10829. That is what I say; the Conservators have those powers at present?—Yes.

10830. But you seem to think that they would get a right to prevent poaching?—Historically the landlords could prevent poaching, but now poaching can be carried on in some little corner where there are no rights reserved.

10831. That is to say, they could poach on the river and get on to the lake to some common ground?—Yes, sir.

10832. And land it there?—Yes.

10833. And the Conservators would really require an assignment of the rights?—An allotment.

10834. Of the rights of everyone?—Yes, I think so. I think it could easily be done, and if the people themselves knew really the very great benefit to the country and to the district they would hardly constitute themselves riparian owners for the simple purpose of permitting poachers to make a happy hunting ground of the water, and they could stand there and be perfectly free on neutral ground.

10835. But, after all, if you go to ask people to combine, must not you hold out to them some prospect of personal interest, so to speak, besides?—Yes, there must be some little quid pro quo.

10836. What would the quid be?—That is the great difficulty. I am perfectly certain, as far as I know, that in this district there would be very few quids required.

10837. You think that if the Conservators moved in the matter the people would assent?—I do. If the benefits were shown up to them they certainly would assent and benefit themselves thereby.

10838. The people would not lose anything if they did not gain anything?—They would lose nothing whatsoever, and they would gain a great deal. If the lake was properly preserved, and it is one of the finest lakes in Ireland, and one of the greatest possible inducements for people to come over here.

10839. And to spend money on boats and cast?—To spend money in hotels and on boats and cast.

10840. And the people round the lake would benefit so much that by boats being hired?—Yes, I have experience of that in Lough Arrow in the Sligo district where the preservation is carried out very strictly, and we carried that on and as a few years we found lodging-houses or practically hotels set up, and tourists coming there and fishing people coming there, and sportsmen, year after year.

10841. Is that idea of yours of allotting or assignment carried out on Lough Arrow?—No, I never heard of it. I suggest it. There is a private Fish Preservation Society, and I tried to carry it on here, and did carry it on for eight or ten years.

10842. Now, with regard to the upper lakes, the spawning portion of the river that has been described as a place where there isn't much flood in the river where the fish fall, and it is said that some improvement might be effected there. Have you anything to say about that?—Well, there are spawning beds there, four or five, one at Higgins's Ford, one at Glebe Mill, and one at Poynton's Ford, all quite close to here, and I should tell you that they are practically all staked. I put in 400 iron stakes into those and they are fairly well guarded, against any net-stocking, of course.

10843. In another place it was stated to us that when the water is very low the fish are almost scooped out of the pools here, and that they were sold at very abominably low prices. Is that so?—I don't remember that lately. I heard it used to go on. Perhaps, no matter how well you watch, something like that will take place. I don't know of it. It would have been my duty to prosecute and I should have done so.

Mr. Green.

10844. Then there is a mere rumour about that thing. People say they are being scooped out there and sold in Boyle for a shilling apiece?—Sometimes reports are sent to the office that are intended to injure the bass trade.

Dr. Mahaffy.

10845. This estate has a net here?—Yes, at the mouth of the river.

10846. Are the lake comes into the river?—Yes.

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MAJOR JAMES FRASER MURPHY, J.P.—continued.

[POYLE.]

Dr. Makoffy—continued.

10847. Is it a good fishery; do you get much?—About eighty fish.

10848. In the season?—Yes.

10849. Early?—Yes, early. It depends entirely on the water.

Chairman.

10850. What do these fish run to?—About 10 lbs. is the average.

Dr. Makoffy.

10851. That is the only net that is used?—At this place. I believe there are nets between here and Carrick-on-Shannon.

Mr. Green.

10852. What has become of the Association here, or how does it stand, this Boyle Fish Preservation Association?—It is struggling on for the present, and hopes, perhaps, to come together again. We started in 1895 and ran right on at full speed up to about 1899. Then our funds became low, and it was almost impossible to get funds at all from private sources, almost impossible, and we have had to carry it on at half speed, which I am doing at present.

10853. Did that Association ever contemplate getting the whole rights of Lough Gara?—We had four balliffs on Lough Gara.

10854. Did you think of, or get into the way of, acquiring the rights on Lough Gara?—Personally, I did, and The MacDonnells was then with me, and he eventually gave me his rights with permission to prosecute.

10855. And you think those rights could be bought up now?—I am perfectly certain it would be to their advantage if there was any good pro quo.

10856. But they might agree to sell their rights to the Association for something or lease them?—If the difficulty of preservation was got over it would create a splendid fishery.

10857. And it would be an advantage to all the district here?—An enormous advantage.

10858. And would they have any chance of making anything out of the hiring of boats?—Oh, yes, and they could also put up fishing boxes and lodging-houses which would pay very, very well.

10859. And you think the lake is capable of being brought into a good angling condition?—I am perfectly certain of that. Some of the best fishermen in this country told me it was not worth attention. That was in the year 1894, but after a few years' preservation it became a most famous fishing lake in this part under my observation.

Dr. Makoffy.

10860. Lough Gara?—Lough Gara.

10861. I see there are little lakes on the other side. Do you know anything about them?—Nothing, sir. I think they would probably be on Lord Kingson's estate.

Mr. Green.

10862. Are those people that net, netting in consequence of having acquired the riparian rights there, not having had them previously, or are they merely netting on account of its being locked upon as a free lake?—They have always been fishing. There has been no change. In fact there has been less netting now than before. I mean there has been no advantage taken in that way. They are poachers, these people.

Dr. Makoffy.

10863. Do you know anything about Lough Allen?—No, sir.

10864. And you know nothing about those two small lakes there?—No, I don't know at all.

Mr. Calderwood.

10865. You said that there were two estates in which the sporting rights had passed to the tenant purchasers. What were they?—I think Mr. Fraser's, on the shore of Lough Gara. That information I have of course only from inquiry. I should not like to

Mr. Calderwood—continued.

say definitely, but I have been told that that is so. In other cases I am not quite sure whether the rights are reserved or not. On the King Harman estate, which contains five miles of Lough Gara, the rights have been absolutely reserved at all times. As to the French estate, I am not sure.

10866. Do you know how many tenant purchasers have received fishing rights round this lake?—No; but there are some local people that will give you that evidence precisely.

Mr. Green.

10867. Is the angling in the main river here worth anything between this and Carrick?—Oh, yes, I think so.

Mr. Calderwood.

10868. When do you get the most of your fish?—I think July, probably about then.

10869. And you begin setting them in the opening of the season?—Not quite, not till about April.

10870. Do you ever see any pool pass up here?—No, I have not.

Chairman.

10871. Where are the spawning beds here, Major Murphy?—Freyburg and Higgins's Ford and Globe Mill and Pugin's Ford, all quite close to the town.

10872. Are those spawning beds fairly well protected?—With stakes they are, and I keep the people under me pretty well active in looking after these things, keeping constantly in touch with them.

10873. Are there any small tributaries here in the neighbourhood to which fish run up for spawning?—Yes, there are, sir.

10874. And do they fry equally well, and are they well preserved here?—Yes, they come within our scope.

10875. You think there is not much destruction of spawning fish?—Well, I don't think there is very much destruction. There is nothing that we cannot cope with, I think. I don't think there is much destruction. I am more anxious about the preservation of the small fry and that sort of thing.

10876. And how do the small fry suffer?—It is so difficult to get the people to think that they are doing harm in catching these little specks.

10877. How do they catch them?—With rod and line.

10878. And worms?—With worms.

10879. Are they of any value for anything?—I think not. They are not larger than sandflies. Personally, I don't fish, I am a shooting man, but on one occasion I was told they were a different species of fish here that should be taken out of it. That nonsense, at the time, I believed.

10880. Trout or salmon fry?—These little specks which were being sold and hawked about. I then told one of my balliffs to get me some of these fish, and I took out five or six of them and I sent them to the Fishery Commissioners, and they were classified as salmon and trout parr, and out of these fish I think there were three of them salmon; and these are the things that we were being told were valueless. It is simply robbing the river. Another cause of great destruction is the number of commences and mergansers. They do almost as much harm as any poacher.

10881. And are they not giving a reward for commences?—As 6d. a head, and I find that I paid for over 200 in a few years. I wondered whether I was flitting away the money, or whether the money was being applied satisfactorily, but one of the inspectors shot a merganser, which I had opened, and inside of it were five whole fish and two in a state of half maturation, that is, seven little trout in that bird before eight o'clock in the morning.

Mr. Calderwood.

10882. A good deal of your preservation is carried on by private enterprise, except the patrol boat?—Except the patrol boat.

10883. Are there several balliffs on the patrol boat?—One inspector. Mr. Gilman, the very energetic inspector.

10884. He goes alone?—I think his son goes with him, but he is really the only person in authority on board.

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MAJOR JAMES FRANK MURPHY, J.P.—continued.

[Boyle.]

Mr. Colderwood—continued

10885. Is he the only person in this district that represents the Conservators? Based on Limerick?—Oh, no; we have one more baillif, and I am sorry to say he is not very well to-day. I should like to see a license changed for trout fishing as well as salmon fishing.

Chairman.

10886. That would require legislation?—I know it would, but I should like to see it done.

Mr. JOHN LOUGHEED POWELL, continued.

Chairman.

10888. Do you reside close by here, Mr. Powell?—Within about two English miles up the river.

10889. Have you property adjoining the river?—Well, I purchased out the place under the Lord Funches Act.

10890. And is a portion of your property adjoining the river?—It is. It used to be formerly the Rockingham estate, and they have reserved the sporting rights and fishing rights, and the change of ownership has made no alterations.

10891. You have not acquired the rights of riparian ownership there?—No, I have no fishing rights.

10892. Are you a fisherman?—Yes.

10893. Have you been fishing in this neighbourhood for some time?—Oh, yes, practically all my life.

10894. Now, you know the subject of our inquiry, and will you give us any information or make any suggestion that you think would be useful to us?—Well, I am not a very keen fisherman really on the lake, and I know little about Lough Gern.

10895. Where do you fish?—I prefer fishing the river, and there is just one point I should like to refer to which was mentioned by Major Murphy. He talked about the small fish. Well, there is no doubt that there is an amount of these small fish captured. Most people have the impression that they are a distinct species, and that they never become large, and, in fact, that is my own impression.

10896. I suppose you heard what Major Murphy said, that he sent them to the Fishery Commissioners and that they were examined?—That was what I was going to suggest, that, if possible, the matter might be tested, and I did not know about Major Murphy having tested it before. That was the suggestion that I was going to make.

Dr. Moleff.

10897. In any case, every big fish must have been small some time or other?—Everybody really who is intimate with the river would be strongly under the impression that these were a distinct species. I have caught them up to half a pound weight, but the general average size for apparently full-grown fish is about 3 oz. or 4 oz. or even 5 oz., and I have caught them just about half a pound. They are white in the flesh no matter what size they are, and they have a distinct flavor.

10898. Is it soft?—No, not soft. They appear to be mature fish.

Mr. Green.

10899. Did you ever get them with ova in them?—Well, I have not actually seen it, but there are some persons that got them at the time of the year in which they would spawn, and I believe they are migratory.

Chairman.

10900. I see you are a member of the Boyle Fish Preservation Society?—Well, it is done up the last few years. I was a member of the last society, but for the want of funds it is also done up.

10901. Has any portion of the duties formerly discharged by it been continued in that way at all?—Oh, yes, Major Murphy is keeping it up on the river.

10902. Then the second society is, at least to some extent a survival of the efforts of the Preservation Society?—Yes, it is really a continuation of the original

Chairman—continued.

10887. But, under all the circumstances, do you think that would be advisable, and do you not think that there are many people now who might be interested in the preservation of trout, and who would fish as long as they had not to pay a license, but who might be deterred from fishing, and, consequently, from assisting in the preservation of the fish, if they had to pay a license?—I don't think so. I think what you get for nothing you don't value.

Dr. Moleff.

10890. Do you catch the small fish of the large species of trout?—Oh, I would certainly recognise them at once.

10901. Do you catch them when they are very small?—Yes, I catch all sizes. I know them at once, and they are quite different.

Chairman.

10892. However small?—However small.

Dr. Moleff.

10893. Are there good trout in this river?—Yes, they get them up to about six or seven pounds. I have got them up to five pounds.

Chairman.

10894. Is there any very considerable fishing carried on for these small fish?—Yes, there is considerable fishing in the summer months. In fact, it is when the water is low that they are almost reduced to fish for these, and it is really very important to decide whether they are a distinct species, or whether they are young salmon.

10895. Well, you see, so far as Major Murphy's inquiry is concerned, he has had an examination made by a scientific authority, which has concluded that they are trout and salmon parr?—Oh, of course, the salmon parr are there, and they are very like them. In fact, I don't know how to distinguish them. It is very hard for anybody who knows the river to believe that these little fish (white spots they are called locally) are not different.

10896. Are these things ever caught with small nets?—I don't think so. That would be possible. It used to be done, I know. They formerly used a very fine mesh for poaching, but I have been trying to discover if there is any going on at present, and I never can come on any real trace.

10897. You don't think there is?—There may be. I don't know that, but I never could get hold of any facts with regard to it.

10898. After all, it would take a good many rods, would it not, to get large quantities of these small fish?—It would. Well, on a short reach of the river in my neighbourhood I have seen, say, half-a-dozen men in a quarter of a mile, fishing. Suppose they got two dozen of these each, that is 144 small fish taken out of the water, and that is repeated each night.

10899. Have you, except as regards these small fish, any suggestion to make to us that bears on the subject of the inquiry?—I think there is nothing that you won't get from other witnesses, who know more about it.

Mr. GEORGE TAYLOR, continued.

Chairman—continued.

society that was started after Major Murphy came to Boyle. Funds went down, and it was left lame. On Lough Gern the local fishermen then started it again, but for Lough Gern only.

10903. Is that running still?—That is not running still, we stopped that.

10904. That came down too?—Well, it was not so much for the want of funds, but gentlemen who used to subscribe largely to it ceased to do so; they could not stand the thing when, after subscribing, they

[2nd November, 1911.]

MR. GEORGE TAYLOR—continued.

[Borneo.]

Chairman—continued.

would see a man with a net coming down before them and taking out all shoals of fish.

10915. How was this Preservation Society started, was it by voluntary contributions?—By voluntary contributions.

10916. What sort of people were they who contributed?—Well, English gentlemen contributed most.

10917. Gentlemen who came over to fish?—Who came over to fish.

10918. Are they coming still?—Well, they are not coming, and I don't think there will be any here at all next summer.

10919. The fishing fell off?—The fishing fell off, and when they were fishing they always saw three men sitting on the lake before them, and they said it had to be stopped, and they said "We are not going to subscribe for the preservation of the fish at this game on."

10920. And when did they begin to net?—They were always at it. They were at it for years, for twenty years, or perhaps more, but particularly since this man Conry got a licence to net. He has gone indiscriminately all over the place, and then other people got a net, and I suppose if they didn't get sick of their fish themselves, they would sell it to Conry, who was legally licensed and could sell his fish anywhere.

10921. That was the beginning of the wholesale netting?—That was the beginning of the wholesale netting since the society started.

10922. Now, your experience has been, no doubt, very great as a member of this society; have you any suggestion to make?—The only suggestion would be to stop the legal netting, and not to give a net licence on Lough Gara at all.

Dr. Mahaffy.

10923. What about the King-Harmon estate net?—Oh, it does not do as any harm at all on Lough Gara, it does no harm at all, it fishes only for a certain time

Dr. Mahaffy—continued.

for salmon, and it does not affect the trout fishing at all, neither do they get any trout, and you cannot get trout in a legal mesh net; small trout are legally caught on Lough Gara with the net, and they sell them at, say, five to the pound.

Chairman.

10924. Then it is illegal, although licensed?—Although licensed, it is perfectly illegal.

10925. If there were representations made to the Conservators, they could take steps with regard to that, could they not?—Of course they could.

10926. They license only a legal mesh?—A legal mesh will not take a quarter pound trout, but I have seen them sell five to the pound.

10927. And you think things would be immensely improved if netting was done away with?—If there was no netting whatever allowed on Lough Gara you would get plenty of funds to get up a first-class society here. If you did away with one license I am perfectly sure we could get plenty of funds to go on and get the society up, and pay for baillifs, and have the thing properly looked after.

10928. Has this netting of late years diminished the number of trout to such an extent as to turn a good fishing into a bad fishing?—Yes, certainly. I can give you some statistics of the fishing for the last few years. In 1903 there were sixteen trout to one rod in one day. That is considered good fishing. Well, the same man could not get five trout with the rod the last time he came here.

10929. What time would these trout run to, the sixteen trout you have mentioned?—They would average 2 lbs.

10930. Was that with the May fly?—With the May fly. And then we had a gentleman here a few years ago, and I think fourteen was his best day with the artificial fly, and now you can't do it at all. Last year I fished Lough Gara, and I did not see a decent boat load of fish.

MR. PATRICK J. COSTY, examined.

Chairman.

10931. Where do you live?—I live at Ross.

10932. How far is that from this?—Six miles.

10933. Have you property on the river or adjoining the river?—No, I have not.

10934. What is your interest in the river?—The interest in selling of the riparian owners.

10935. Where?—At Lough Gara, in thirteen places.

10936. Is that all round Lough Gara?—It is only part of it.

10937. And are all those places that you have portions of the land that adjoins Lough Gara?—Yes.

10938. Now, you fish thus by permission of the riparian owners?—Yes, and by immemorial usage.

10939. You fish with the net of course?—I fish with the net of course. I want to make a statement.

There is no such thing as Mr. Taylor has sworn here about illegal netting and five to the pound at all, or anything like that in my case. There is no poaching going on in my line there, not in my place.

10940. The suggestion was that the meshes of the net took small fish?—The meshes of the net are measured every season and examined by the police, and many times during the season by supposed water baillifs, and I defy Mr. Taylor to bring a case of illegal net fishing against me in twenty years.

Mr. Colderwood.

10941. What is your mesh?—Seven inches. Now, if it is a thing that you would want to restore the fishing at Lough Gara, the bed of the lake was destroyed about twenty years ago by Mr. Taylor and his society, and they would want to be stopped, and then Lough Gara would support twenty fishermen.

10942. How was it destroyed?—With barbed wire and weighty stones. Lough Gara has been fished from since immemorial with small mesh nets, but when they began to regulate the district and make it illegal fishing, we had to get huge mesh nets, and they are used ever since. There were twelve families living by net fishing on Lough Gara fifteen years ago, and

Mr. Colderwood—continued.

they destroyed the bed of the lake in such a form as to make it impossible to fish.

10943. With barbed wire?—Wood and stones.

10944. They staked the lake?—Yes, they destroyed the twenty-seven miles of the shore.

10945. How did that affect the rod and line fishing?—It did not affect the rod and line fishing, it was done to propagate the rod and line fishing, and to deprive the people of their rights.

10946. Did it interfere with the netting?—It did away with all the nets except mine, and for mine itself they destroyed the lake, and I had to go to an expense of £50 for cleaning.

Dr. Mahaffy.

10947. You cleaned the bottom?—I did it myself afterwards.

Chairman.

10948. The suggestion is that the interests of the rod and line fishing on Lough Gara had been injured by the net fishing?—That is not true, because there is a superabundance of trout in Lough Gara.

10949. The suggestion is that the rod and line fishing on Lough Gara has been interfered with and destroyed by the net fishing, while you say that the net fishing of Lough Gara has been injured by interference with the bottom?—Yes.

10950. Well, that would perhaps diminish the number of nets?—Oh, yes.

10951. But it could not diminish the number of trout?—No.

10952. And, therefore, it would appear that the netting was not interfered with by this barbed wire and so on at the bottom of the lake?—Indeed it was.

10953. Now, we should be glad to hear from you any suggestion that you might wish to make?—That is the only suggestion I have to make.

10954. That the bottom should be cleaned?—Well, for my part, I don't care whether it is or not.

10955. You say you paid £50?—I didn't say enough. I was a year little before I had it cleaned. I lost £100.

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Mr. PATRICK J. CONRY—continued.

[Boyle.]

Dr. Molloy.

10066. Is that not fishing worth much to you?—Before the lake was destroyed it was worth something like £100 a year, but it isn't worth half that now.

10067. Where do these fish spawn, do they spawn in the little rivers?—Oh, yes, there are any amount of little rivers round Lough Gara.

10068. Is there something there?—Oh, they are very well protected.

10069. You don't pay anything yourself for the protection of the lake?—No.

10070. You make only a profit out of it?—I make a profit, that's what I pay the licence for.

10071. What do you pay for the licence?—£43.

10072. And you need to make £100?—Not since I got the licence I never made it.

10073. You say the rod fishing has greatly improved?—I am certain it has.

10074. And that is a great benefit to all your neighbours round, and it is not an advantage to the people generally?—They have no advantage by it. They don't follow the fishing at all. They see all small farmers.

10075. But the people here boats out?—No, the boats are all hired in Boyle, or convenient to it.

Mr. BRENNAN CONRY, examined.

Chairman.

10072. Where do you live?—Boyle, Co. Sligo.

10073. Are you a fisherman?—Yes, and I help my brother.

10074. The last witness?—Yes.

10075. Have you anything to add to what your brother has told us?—No, I have nothing to add to what my brother said, only as to what Mr. Taylor said that the lake was pointed by the Conry people. In fact that is not true. Any poaching that is carried on on the waters of Lough Gara is done by strangers coming there. And, in fact, I didn't see Mr. Taylor, but I am informed that Mr. Taylor was on one of our gigs out there to fish, and that is, of course, wholly illegal, and had I seen Mr. Taylor doing this I would have prosecuted him. I know for a fact that several of the men who are engaged in the Fish Preservation Society in Boyle are using illegal methods when they go to fish the waters of Lough Gara, and then whole object is to have the lake handed over to themselves to use it indiscriminately as they wish.

10076. Neither Mr. Taylor nor anybody else suggested that either you or your brother did anything except fish with licensed nets, and they expressed their opinion, as they were entitled to do, that if there was no fishing on Lough Gara there would be better fishing for the rod and line, and you, on the contrary, have a licensed net, as you are entitled to have, and I think, therefore, that unless you can give some facts that will prove your assertion, we ought not to listen here to your allegations that people use poisons or other illegal and dishonourable methods for fishing, and I won't hear any more of them?—Well, Mr. Taylor said that he was exposing for sale fish so small that it would take five of them to make a pound weight.

Dr. Molloy.

10077. He didn't say any?—I beg your pardon, I took it for that.

Chairman.

10078. You were mistaken. If you have anything to say, pertinent to the subject we have to inquire into, we will be glad to hear you, but we will not permit the Commission to be made the vehicle of invective and malicious attack upon people who take the trouble to come here and give us evidence. Now you have exactly where you are.

Dr. Molloy.

10079. You think also that nothing does us harm to fish?—The fish have multiplied for the last ten years enormously in Lough Gara.

10080. There is less nothing?—No nothing except what we carry on.

10081. Have the fish greatly multiplied?—Yes.

Mr. Green.

10086. Who are these people that we have heard of who net the place illegally?—I don't know who they are. I have not seen a poaching net or a poached fish for the last twelve years.

Chairman.

10087. At any rate you have said, in answer to Dr. Molloy, that the rod fishing has improved?—I am certain it has.

10088. And it is not a fact, then, that people have ceased to come?—Oh, no.

10089. There are more people there now?—Well, I don't know how many were on it last summer, but I did not see a great many.

Dr. Molloy.

10070. You think that the lake would stand any amount of netting?—Well, I give you my opinion, I am positively certain that there is plenty of provision in it for twenty fishermen, with ten nets, if the bed of the lake was restored.

10071. That the fish would not diminish?—No, it is our experience that they did not diminish. When there were eighteen fishermen upon the lake I could get more fish than I could get now.

Dr. Molloy—continued.

10082. And it appears that the lake nothing the more fish?—Yes.

10083. But we heard that when there were eighteen fishermen with ten nets there were more fish than now?—You might catch the same in number but not in weight, about twelve years ago, in a draft we would catch perhaps two or three trout from a pound weight each. Now we can bring in sixteen trout, and the sizes are larger.

10084. I suppose you have no pike?—Yes, a lot of large pike.

10085. Have you ever taken any trouble to catch them?—Yes.

10086. What do you do it with, is it with lines?—Well, when we are fishing for trout, if we come across them we take them in.

10087. Did you ever take any pains to get rid of the pike?—No.

10088. Did you ever fish for the spawning pike?—No.

10089. You know where to find the spawning pike?—Yes.

10090. You will get them in shady, shallow places?—We never fish in particular for pike, but when we come across them in our other fishing, of course we take them in.

10091. I think it would be better if you did fish for them in particular?—I know that.

10092. You might attend to that, and it might do you a great deal of good?—Very well, sir.

Mr. Calderwood.

10093. Do you catch any salmon?—Yes.

10094. How many would you catch in the season?—Well, I couldn't say in particular that I catch any, but sixteen years ago I've taken numbers of large and small salmon, but we don't take the trouble to find whether they are salmon or white trout.

10095. Are you referring to the small fish, the fish that were described here to-day?—No, we have none of them in Lough Gara.

10096. You say you sometimes catch small fish which may be salmon?—I mean fish 2 to 4 lbs. weight which may be salmon.

10097. Or they may be white trout?—Yes. We send the pike to hear.

10098. You sell the pike locally?—Yes.

Mr. Green.

10089. Do you export fish from Boyle and send them to the Dublin markets or have you get rid of them?—Nothing but eels are sent away. We send the eels to the London markets.

10090. Do you catch eels in your net?—No, but there are eels within on Lough Gara. Some time ago the Congested Districts Board did away with them, because

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Mr. BERNARD CONRY—continued.

[Dona.

Mr. Green—continued.

they said they were the cause of the floods, and they took legal proceedings against the proprietor of the eel wots, and made him remove them.

Mr. Callaghan.

11001. So that you don't catch eels now?—Not with fixed engines, but with hook lines.
11002. Night lines?—Yes, sir.

Mr. ARTHUR McNEILL, examined.

Chairman.

11003. Where do you live?—Clonsilla.

11004. How far is that from this?—Three Irish miles.

11005. Have you property adjoining the river?—No, not adjoining the river, but some distance from it.

11006. Are you a fisherman?—Always, since I was able.

11007. I hope you enjoy it still?—I do, indeed. I hope I always will.

11008. Do you fish with rod and line?—With rod and line.

11009. For trout and salmon?—For trout, but I don't fish for salmon.

11010. You never fished for salmon?—I did, indeed, but not these years.

11011. Now, will you give us any information or suggestions which you think would be useful to us, and you have heard the evidence that has already been given?—I heard the evidence.

11012. Now, will you give me any information that you think would be of service to us in connection with the fishing, anything that strikes you?—I could explain about the Boyle river and Lough Gown, that is as far as I can go. I remember that for many years—I suppose I am older than any man here fishing the river and lake. Well, about Lough Gown. I heard the evidence here to-day, and I remember the first net that ever went on it poaching by a man who came up from Mayo. That is fifty or fifty-five years ago, and it got been one net to another net and another till it got up to ten nets, and I heard the evidence here from Mr. Conry, who was one of the best at the time poaching it also.

11013. You must not bring in anything about that?—Well, that was carried on till Major Murphy took up the preservation of the lake and took an interest in it, and he formed a Committee, and we went on, and there was a lot in it, and the trout fishing was mostly gone altogether at the time, and it was almost dead. Well, after a few years' preservation he appointed baillifs, and the police gave good aid, and the first catchlight and the first seamen that was made was on Mr. Conry, and they made several then after that, and another on the same line; so poaching went down naturally, and Conry took out a license for one side of the lake, and I think, so far as I can remember, he came down to the place where we had our liberty to fish, where I had never seen him fish, and then after a few years the trout increased to a great extent along the shores, and I could see an improvement in the fishing. The last man who fished with me had very good fishing during the 1909 season.

11014. How many would he kill in a day?—Well, he killed fifty in one day. He made a present of some of them to me, and he weighed 21 lbs. of trout when he came into Boyle, trout that he caught with the rod.

11015. Was that with the May fly?—With the May fly and occasionally eelwing. He used to fish both ways.

11016. They say that last year so many people did not come?—No, none whatever; the last year was a very bad year.

11017. At any rate, I suppose it is your opinion that rod and line fishing could be encouraged?—It should be encouraged, sir.

11018. And the strangers that you have here come to fish with the rod and line?—Yes, they come from London and from several places.

11019. There are no people that you have coming here to net?—Well, I think not.

Mr. Green.

11020. Do you say that you remember the first net put on Lough Gown?—I do, sir, well, it is now fifty-five years ago, and that was a man named McHugh.

Mr. Green—continued.

11021. So that it isn't a case of immemorial usage?—No, and it went from one to another and another, when one would see another working. And there is another that I could tell you about, that is a great help to the lake. They set out lines in spring, in the months of March and April, and put on a whole lot of small perch as bait, and they are weeding all the big fish out of the lake.

11022. That is, the bigger fish would eat the small fish?—The perch is a great bait for big trout.

Dr. Mahaffy.

11023. Why is the fishing getting worse within the last year or so, if Major Murphy prescribes?—When these gentlemen see this going on before them they don't come at all to the lake to fish.

11024. On account of the netting?—On account of the netting.

11025. But the netting has not increased within the last year or two?—There was no gentlemen I saw coming.

11026. But the netting hasn't increased with the last two or three years; there are not more nets now, are there?—There are. They are poaching on it, and as soon as the close season comes in I have good information that is the very time they poach on the lake with nets, after bringing them in. I saw them.

Mr. Green.

11027. Why didn't you get the police on them?—Well, the police did a good deal of service the time the baillifs were put on boats, when they helped the baillifs to make several seizures and prosecutions, too. There is one part of the lake which adjoins Mr. Alexander's property, and there is a mountain river coming in there, and it is close to Mullaghree Police Station. That is a great place for trout to spawn there, and it is a great place for fishing with the rod.

Chairman.

11028. Is there poaching there?—There is poaching there.

11029. And the trout are disturbed?—The trout are disturbed, and it is close to there that the net was used since the close season.

Dr. Mahaffy.

11030. The police are clean by?—Yes.

Chairman.

11031. At Mullaghree Station?—Yes, and there is another place on The MacDonnells, and it is close to the Clegher Station, and both trout and salmon go up in the mountain rivers.

11032. And it would be very hard to protect them there?—It is not very easy to protect them.

Mr. Green.

11033. When these gentlemen are fishing on the lake and making a drift down, you say they see Mr. Conry's net in front of them and they get frightened?—Yes, of course.

11034. Does Mr. Conry fish all round the lake?—Every side.

11035. Are there not plenty of drifts to make it hard coming across Conry's net at all?—It is according to the way the wind would blow. They will go where they will get a drift blowing with the rod by drifting, and the boat below the fly, and when the net is working on the wind there, according as the trout go

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MR. AMARW McILROY—continued.

[DUBLIN.]

Mr. Green—continued.

in they are taken, and the trout are diminishing. That is how it goes. I am looking at this these dirty years.

11036. Do you think all netting ought to be stopped?—Certainly, or else there will be no preservation, and the trout or salmon won't increase much. I have seen that close to Clough Station, when gentle-

Mr. Green—continued.

men come on The MacDermott's property, and the late MacDermott was very glad to give permission to stop poaching there.

Dr. Mahaffy.

11037. You have nothing to say about Lough Key?—I don't know Lough Key so well.

MR. ROBERT GRAM, examined.

Chairman.

11038. Where do you live?—I live at Ardaraigh.
11039. How far from this?—Two miles.
11040. Have you property adjoining the river?—I have, sir.

11041. And you have the fishing rights?—No, sir, the fishing rights belongs to the King-Harmon property.
11042. You are one of the tenants of the King-Harmon property?—Yes.

11043. Are you a fisherman?—I am, sir.
11044. How do you fish?—With the rod and line.
11045. You fish for salmon?—No, I have six boats for trout. I have baiting.

11046. What is the fishing that your boats go to?—They go with gentlemen that come from England and Dublin and different places to Ireland.

11047. Is it on Lough Gara?—On Lough Gara.

Dr. Mahaffy.

11048. Not Lough Key?—Not Lough Key.

Chairman.

11049. Now, you have heard the evidence given here as to Lough Gara?—I did, sir.

11050. Have you anything to add to it?—Well, only with regard to Mr. McKillop's evidence.

11051. Was the fishing last year as good as usual?—No, sir.

11052. Was that on account of the dry season?—The dry season and cold water. Unless we get broken up water, it is no matter how much fish there are in it.

11053. Possibly these six are not all boats on Lough Gara?—All my boats are employed about Concoran's Bay, generally. They come from Inish and return, and they are kept there; even they pay me if they don't come, lest they would lose my boats. On one occasion, the year before last, three boats got 100 fish in thirteen days, with an average weight of 1½ lbs. Last year I didn't do so well, and the year before we didn't do so well, and they are beginning to increase these nets on the north side of the lake, and their neighbours when they see one man netting are thinking of it themselves. When Major Murphy started the preservation of it, there was nothing in it hardly. I had only one boat at the time, and gentlemen began coming from other times and they would see these nets increasing. There is Colonel Thompson, an Indian, and he writes to me regularly, and I need to tell him where he could get the most fish, and take the fish and weigh them.

11054. Are there other people who keep boats as well as you?—There are. There is another man who has six.

Chairman—continued.

11055. How many men in each boat?—Two men generally in each boat.

11056. Twenty-four men employed?—They don't all be constantly employed; there are only eighteen in the boats, and about eighteen net fishing on the lake.

11057. That is thirty-six men?—Some of the boats would only have one, sir.

11058. How much is this worth to you, if you care to answer?—I take about £20 a year. I have a family that works the boats.

11059. How many months does this fishing last?—Where?—With the May fly?

11060. Yes?—Thirteen or fourteen days.

11061. Have you anything of an after fly on this lake?—In October.

11062. That is a second fly?—No, sir, dotted along the lakes, fishing in September, and very little fish we get with the dry weather.

Dr. Mahaffy.

11063. Is there very much trolling?—There is, sir.

11064. And you get a good deal of that way?—Yes.

Chairman.

11065. As my note, you complain that the netting interferes with you?—In fact, if it didn't itself, when gentlemen come and see it there before them they won't fish any more, and they put it down for poaching, whether it is poaching or not. I am a water baiter there, too, and I was appointed last spring, but I got no pay.

Mr. Green.

11066. Do you ever come across any of these nets yourself?—No, sir, not since I was appointed, only information I get.

Mr. Calderwood.

11067. Do they commonly appoint bailiffs without paying them?—I asked to be put on.

11068. What pay do they commonly give to bailiffs?—£12.

11069. And they are supposed to give all their time for that?—The lot of every month they are paid.

Chairman.

11070. And I suppose these are local men that do some other work besides?—Yes, and I have done my best to stop the poaching.

MR. GEORGE SEYM, examined.

Chairman.

11071. Is there anything that you can add to the evidence that you have heard given already?—There is nothing that I can add to the evidence I have heard, except that these gentlemen are concerned when they are fishing on the lake and see a net.

11072. Have you a boat?—I fish it myself, just for amusement. I often go with gentlemen just to spend the time and nothing more. It is for sport I fish, not for money, and the effect of the netting is the only thing, as they think it is a neglected lake where they see the netting, and it has turned them against asking to come near the lake at all. I have

Chairman—continued.

heard gentlemen all talking about it, although it is legal netting for fish. That is the only evidence that I could give.

11073. You think it dampens their desire for sport?—It does, certainly; it stops the sport.

Dr. Mahaffy.

11074. I have been fishing for fifty years, and I agree with you, that if I saw netting there I would not come back again?—That is the only thing that I can say. I have heard the gentlemen talking about it.

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MR. JOHN CALLAGHAN, EXAMINED.

[Boyle.]

Chairman.

11076. Where do you live?—In Boyle.

11076. Are you a fisherman?—Yes, sir.

11077. Now, you have heard the evidence here, and you know the sort of thing that we want to learn something about. Do you know anything about properties that have passed here from landlord to tenant, of any change that has occurred in ownership of the riparian ownership passing from the landlord to the tenant—do you know anything about that part of the question?—No, I do not, sir.

11078. Now, is there any information that you think would be of use to us with regard to the fishing, either on the lake or the river?—Well, sir, as regards Lough Gara, I am at least thirty years fishing in it myself, and the fishing has gone down in it. It isn't so good as it used to be some years ago, and from what I do hear from people here I believe that if this netting was put down wholesale, the fishing would be far better than it is. I know that from Lough Key, Lough Gara has been netted, and Major Murphy got up a preservation society here in town, and were it not for that, from my knowledge of it, I know that there wouldn't be a fish at all in it. If people got their scope both the river and the lake would be destroyed wholesale, and I believe from my fishing here for 30 years, and being acquainted with nearly all the gentlemen coming to fish, they complain of the netting, and they told me that they wouldn't come any more. They said it was a waste of money and time to be coming over to fish where nothing is going on, and the fish are not as plentiful as they were in the past. Ten years ago you could get twice as much fish with the rod as you would now get, and I remember when fishing on Lough Gara, thirty years ago, on a good day, if there was a good drift, I could see the trout

Chairman—continued.

lying before me in plenty, and I never saw a trout lying before me last summer.

11079. It was salmon?—It was.

Dr. Mahaffy.

11080. You would see them rise to the fly all the same if they were plenty?—You would, and even in a calm there would be plenty rising, and now I would not see one for the ten I saw ten years ago.

Chairman.

11081. Then, as to the pike, we heard that there were very big pike on Lough Gara?—Well, there are, sir.

11082. Did you ever see any pike they were getting there?—I did, sir.

11083. Big ones?—Yes, 15 or 16 lbs. weight.

11084. Is anything done to try and catch more?—When they go out in the spring and in the autumn trolling with minnow, the fishermen who want to earn money by fishing don't take an interest in pike fishing. It is all for the trout, and they won't take any trouble in killing the pike, because there isn't much value upon them.

11085. Still, it is to their interest that there should be preservation on Lough Gara in order to make it a valuable rod and line fishing, and therefore it would be to their interest to try and get rid of the pike?—Yes.

11086. I mean that the Preservation Society might destroy the spawning pike and catch the large ones?—Yes, and anyone who had a troll, if they meet pike, will kill them as well as a trout, but they won't take an interest in it as they do in trout fishing.

MR. J. GERRAIN BARTON, EXAMINED.

Chairman.

11087. Where do you live?—Athlone.

11088. I believe you are a Civil Engineer?—I am.

11089. And you are a member of the Limerick Board of Conservators?—I am.

11090. Are you an elected or an ex-officio Conservator?—Elected.

11091. And what is the district that now returns you, or do you look after the district generally?—It is the district from Portlanna, the northern water to the very top.

11092. From Portlanna up?—From Portlanna up.

11093. Perhaps you can tell us how many Conservators are there for that district, as, I presume, the Shannon is divided into districts for the purpose of conservation?—Two.

11094. Upper and lower?—Yes, as I understand.

11095. How many colleagues have you?—Two, with myself.

11096. And how many ex-officio members are there, as a rule?—Oh, that I could not say.

11097. How many take any interest in the business or attend?—I am the only one that takes any interest in the upper parts, perhaps. I have only known one of my colleagues to attend, I think once, and the other one left immediately he was appointed.

11098. That is as to the ex-officio members?—Yes, I don't think the ex-officio members take any interest.

11099. No interest whatever?—I think not, but that information you can obtain better at Limerick.

Mr. Callender.

11100. The ex-officio members do not attend your meetings?—Our Sub-Board is supposed to meet in Athlone, but we don't hold any meeting; I go down to Limerick.

Chairman.

11101. Will you just proceed to tell us anything that you think it would be desirable that we should know with reference to the subject of our inquiry?—Well, in the first place, I would just hand in a map of the district that I am travelling over in Ireland in the course of my official duty. It will show you that I do cover a great deal of Ireland. I may say that I have

Chairman—continued.

in the district I travel over seven different Boards of Conservators, with portions of other Boards.

11102. You have told me you are a Civil Engineer, have you any other position?—I am Architect of the Representative Church Body, and that takes me into every parish in my district, and my district covers eleven counties. That district I daily travel, and I take an interest in all the streams as I drive along, and gather all the information I can from my car-driver, and fish whenever I get a chance, but I take more interest in the breeding of the river, as it were, than in the actual fishing. It gives me as much pleasure to wander along a river as to fish it.

11103. Will you tell us the result of your experience, as you know the particulars of any inquiry is with reference to any change that has taken place, or that may possibly take place, in connection with fishing as a result of the passing of the riparian ownership from landlord to tenant?—Oh, yes.

11104. You are aware of that?—Yes.

11105. That is the primary object; but, at the same time in doing that, we feel anxious to obtain information on other points connected with salmon and trout fishing?—Well, I have made some notes, as I am a very busy man, so I can only give a statement in the form of a note which I have prepared following in the order of your questions.

11106. Perhaps you would proceed with your memorandum?—I will just read it as it is, and you can ask me any questions. The fisheries referred to in this inquiry are, I presume, confined to those set out in the 2nd of Edward VII., Chapter 37, Section 13, under which Act a landlord selling his estate to the Land Commissioners or to his tenants may convey the fishing rights to the purchaser, or he may "expressly reserve" them to himself, but in the absence of his entering into either such an agreement, those fishing rights are, under the Act, "vested in the Land Commission, and the Land Commission may deal with the same, subject to regulations to be made by the Lord Lieutenant." A very large area of such riparian lands has already been transferred to tenant purchasers, and in time the vast majority of the remaining lands may also be transferred. The riparian lands may be divided into

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Mr. J. GREEN. SKIPTON—continued.

[Boys.]

Chairman—continued.

two classes, firstly those lying in or about the lower reaches of a river, and upon which the salmon fishing is in consequence more or less valuable; and secondly, the upper waters, where, as a rule, the salmon fishing, if it exists at all, is of but little value; yet it is in these upper waters of a river that the majority of salmon resort to spawn. These are the birth-places and nurseries of the whole salmon industries of the country, and, as such, require a value calling for serious consideration. Now, "as to what effects the transfer of riparian land to tenant purchasers has on the fisheries and how the tenants are using the newly-acquired fishing rights." In what was called Class 1, or the lower reaches of the water, a river might be mentioned where the fishing rights were, upon the sale of the estate, vested in the tenant purchasers. This river is now fished, fair and foul, by the riparian owners, whilst any kind of an introduction and a couple of bottles of stout will procure a stranger a day upon it.

Dr. Mahaffy.

11107. What is that river?—Witness.—Is that a fair question?

11108. I think it is?—Number 119 on the map. You have the map. As to Class 2, or the upper waters, with little exception these are to all intents and purposes lying derelict all over the country. Anyone may fish them, and anyone. I am speaking, not alone of the Limerick district, but of this larger district that I told you I travel over.

Chairman.

11109. That you are acquainted with?—That I am acquainted with, having seven different Fishery Boards, and portions of the upper waters of the Ballymahannon district.

11110. Where the fishing of a river ceases to be marketable, and everything has passed that could be fished?—Practically, that is what I am speaking of. Your next question is, "What is best to be done to preserve and develop the fisheries under these new conditions?" I say, give the new riparian owner a distinct and tangible benefit in them and they will not be difficult to preserve. The matter of development will be local to each water; but in common to most waters, the striking growth of weeds which has taken place during the last twenty years has not only retarded development, but tended towards retrogression, whilst there is an indiscriminate pollution of rivers and streams taking place all over the country.

11110. Yes, we heard of that in connection with the woolen mills at Athlone?—There is enough of it there. Then you have got a lot of ossemeries started all over the country.

Dr. Mahaffy.

11111. What do the ossemeries poison?—They poison—they do not poison—because all their washing stuff runs into those small streams.

11112. They don't kill the fish?—I have seen it stated that they do, but I have never known it.

Chairman.

11113. They sicken them?—So I understand.

Mr. Green.

11114. There is no flax-water running into them?—No. Then the next question is, "What arrangements can be suggested with a view to giving tenant purchasers an interest in preserving and developing the fisheries?" Well, there appear to be several ways in which this might be done. Under 3 Edward VII., Cap. 87, Sec. 18, the Estates Commissioners might acquire the fishing rights, and then transfer them to the Department for management. This might more practically apply to what have been called the lower waters where not expressly reserved. Under 62 and 63 Vic., Cap. 60, part 2, Sections 19 and 20, the Department are empowered to deal with not only these lower waters, but also with those vastly larger upper waters, the sites of the great spawning beds, often derelict waters. Now, for the spawning beds, north, beyond Lough Allen, we have no billiffs.

Mr. Green—continued.

11115. Do you know that salmon go into Lough Allen?—So I understand from the police.

Dr. Mahaffy.

11116. Does anybody fish Lough Allen?—Yes.

11117. What do they fish for?—They fish for pike and trout.

11118. I never heard of it being a good trout lake. —Witness.—The streams and rivers in which many of these spawning beds are situated are, or have been, excellent trout waters, which, if preserved and developed, would to-day command good prices as trout waters. There is an old saying, "Take care of the pence and the pounds will take care of themselves." Take care of the trout and the salmon will take care of themselves. Having acquired the waters, or a right of management in them, even especially of these upper waters, the Department might have a map (Banc Ordinance) prepared showing the several riparian rights on a river. In the case of the estates already purchased this map would be procurable in the Estates Commissioners' Office. The Department might then enter into agreements with the several owners to preserve the water, the Department undertaking to advertise the fishing to let by the season, more or less in the same way as is now done by Government with certain set fisheries. The better the fishing became through preservation by the owner and development by the Department the more would be obtained for it from year to year, and the greater interest the riparian owner would in consequence take in it, for the Department would, under this scheme, pay to the riparian owner the whole or part, as might be agreed, of the sums obtained as rent, and in proportion to each owner as the length of his frontage upon the water or otherwise as may be equitable.

Mr. Green.

11119. The difficulty presented there is that one frontage might be a great deal more valuable than another, and that you might get more rent for 200 yards in one place than for a mile in another place?—Quite true, sir. That is of course true of all waters; but, as I have said, "or otherwise as may be equitable." Similar powers to those now exercised by the Land Commissioners in the matter of division in turf bogs might be exercised by the Department in the distribution of money received as rentals. The Department would have to exercise a certain control through an Inspector, whose duty it would be to inspect all such waters from time to time, inquire as to how the several owners were protecting, see to the condition of the river or waters, and what, if any, matters were required for further or better improvement of the fisheries. Four, or even three, such Inspectors should be sufficient for the whole of Ireland. And here it might be stated that such Inspectors should be men of standing and education, men of integrity and unimpeachable uprightness, possessed of a knowledge of fish life and its requirements in inland waters; lacking which qualifications, any scheme under Inspectorship must prove not only abortive but destructive to the fisheries.

Chairman.

11120. There is nothing like stirring with a high ideal, but these men are not just like blackberries. At the same time I am in absolute agreement with you, Mr. Skipton. Another mode of treatment might be by lease or rental to an individual or society for a term of years; but, save for well-established lower waters, this course would be inefficient and demoralising; for the upper water riparian owner, being thus assured of his rental for a certain number of years, would naturally be not only careless but heedless of its preservation and development. Yet, again, a water taken over for management by the Department might be disposed of or handed over to a local Fishery Society, paying a rental to the Department, such rental to be disposed of as already suggested. Or a water vested in the Department might be made fishable by rod and line under ticket (annual, monthly, weekly or daily) procurable at the adjacent Police Barrack or

[28rd November, 1911.]

Mr. J. GERVASE SEXTON—continued.

[DUBLIN.]

Chairman—continued.

Dr. Mahaffy—continued.

Post Office, or if neither be within the vicinity then at such other place as may be determined by the Department. The payment for such tickets would vary upon different waters in ratio with the value of the fishery. It may be objected that any such scheme as suggested would touch adversely the local trout or salmon fisher not being a riparian owner, but it must be remembered that as inland waters there is no such thing as a public right of fishery, that the local man and the stranger, alike and equally, fish solely and simply by the courtesy and kindness of the riparian owner and possesses in themselves no right whatsoever. The majority of local fishermen (not poachers) are, at least at today, it is suggested, prepared to pay a licensed duty. This licence should be small, half-a-crown to five shillings. To advance that such licences would be a burden upon the poorer fisher in, it is submitted, a fallacy; and for this reason, that the "poor fisherman" will be "out" on the first fresh in February or March, when the season has opened, with red and lime and worm, and it will be a bad day indeed for him if he does not make the price of his licence; for at this season trout fetch from 6d. to 1s. 6d. per lb. One single Sunday's fishing after March may more than pay his licence duty. Further, paying this licence will give him a sense of proprietorship, and he will consequently resent the theft by the poacher of the fish which mean money or a livelihood to him. Pending the imposition of an universal licence duty upon trout sold throughout Ireland, a charge by ticket, as I have already suggested, might be instituted by the Department upon such waters as they undertake the control of.

Dr. Mahaffy.

11121. It strikes me, up to that part of your paper that you suggest a variety of methods which, as I take it, might be applicable to the varying circumstances of the several rivers?—That is what I am going to read. It will be evident that no one single mode of treatment would be universally applicable over all these fisheries, but that one scheme would be suitable to one water, another scheme to another water. Upon the recommendation of the Inspector would depend which scheme should be adopted by the Department upon each water, and upon his initial judgment and later one would partly depend the ultimate success or failure in each instance. It is with very considerable diffidence that I have ventured to suggest these schemes, nor would I have done so save for the note raised by the Committee requesting such suggestions. There are many points of detail involved under each suggested scheme, but in none can I see any actual insuperable difficulty. The next question is, "What part the Board of Conservators would take in this preservation and development, and how far their resources are adequate for the purpose." To that I say that the part a Board of Conservators would take in any scheme adopted by the Department would entirely depend upon the scheme adopted, and would be a matter of negotiation and arrangement with the several Boards. The Department contribute to the funds of fourteen Boards of Conservators. With these Boards negotiations should be a simple matter, whilst with the eleven other Boards arrangements ought not to be difficult. The several Boards would doubtless welcome any scheme by which the spawning beds were better protected. Then the next question is, "How far the resources of the existing Boards are adequate for the purpose" of assisting the Department in any new scheme. I say the Limerick Board (of which I have the honour to be a member) has under its protection the largest area, and administers the largest expenditure, of all Boards in Ireland, yet this Board is in a semi-annual state of bankruptcy. The Clerks of the several Boards of Conservators throughout Ireland are the only men who can supply reliable information upon this particular point. Under the schemes suggested in this it is designed and purposed

that the cost of preserving and development would, during the initial stages, be met to a certain extent by rentals received, and wholly so later on upon their full development. The management of an unpromising or permanently worthless water need not be undertaken by the Department acting under either of the two Acts cited. Then the next question is, "How poaching might be more effectively prevented." There is a little high treason.

Mr. Green.

11122. Let us hear the high treason by all means?—May I say it with all legality and respect, that the poorest incentive and encouragement to poaching in Ireland to-day in the course and action adopted and pursued by His Excellency the Lord Lieutenant. Out of every hundred cases of poaching, perhaps not ten per cent. are detected and brought to trial, and out of these ten per cent. in how many cases are convictions, with much difficulty and what is really useless expense obtained, in how many then are the fines imposed "reduced by His Excellency from £4 to £1." The man has probably made away with fish which will be sold for not only £4 and costs, but more. This is what is taking place over the larger part of Ireland to-day. It makes fools of the magistrates and brings the law into contempt. Is it to be expected that the new riparian owner too, or would, take any interest in his "newly-acquired rights" while they were tested in this way? Now he is prepared in many instances to accept any assistance given him, to give his fishing over for a more or less small consideration for development, but when the poacher steps in and takes his fish and the Government looks on and gives him little or no redress, then what he will think naturally is, that he may as well have the fish for himself; he will be quick to learn that he has a "right," a right to demand a licence for a net and that it cannot be refused him, see 11 and 12 Vic., Chapter 82, Section 31.) and the inevitable result will be that he will sweep that river clean. And that will be infinitely more universal upon the tributaries than upon the lower waters; yet it is so from the tributaries, where the spawning beds lie, that the life-blood of the whole salmon industry of the country wastes. Secondly, it is an acknowledged fact that upon waters of which the police take notice even once in a while, there is not the same systematic and wanton poaching as upon waters wholly under the care of a local bailiff or entirely abandoned for lack of funds to supply a bailiff to protect them. By the 7th and 8th of Victoria, Chap. 108, Sections 1 and 2, the Constabulary are given powers, privileges, and authorities with respect to the enforcement of the provisions of the Fisheries Acts. This Act dates from the 5th of September, 1844; and yet again in 1891 was passed another Act concerning further powers upon the Constabulary, the 54th and 55th of Victoria, Chap. 20, Sections 4 and 5. There may have been a certain objection in the times gone by to permitting the Constabulary to actively exercise the powers conferred upon them, but without their doing so now, it is difficult to see how any scheme "to preserve and develop" the fisheries under the new conditions can succeed. I have underscored to limit myself in this evidence to reply as directly as possible to the queries put by the Committee.

Chairman.

11123. Well, I am sure that I express what is the feeling of the other members of the Committee when I say that we are extremely obliged to you for the trouble you have taken in preparing that very valuable paper?—Perhaps you would allow me to add that I consider that the trout fishery is of very great value and importance.

Dr. Mahaffy.

We had that from many people

The Committee adjourned.

TWENTY-THIRD PUBLIC SITTING.

FRIDAY, 24TH NOVEMBER, 1911

At 11.45 A.M.

At the Courthouse, Foxford.

PRESENT

THE RIGHT HON. SIR DAVID HARRIS, M.C., M.C.V.O. (Chairman).

THE REV. JOHN PENLAND MARRIFT, D.D., LL.D., C.V.O.
MR. W. L. CALDERWOOD, F.R.S.E.

MR. W. S. GIBBS, C.B.

MR. R. H. LEE, Secretary.

Chairman.

I suppose you understand the object with which we have come here. It is primarily to ascertain the position of tenant farmers who have purchased their lands and who have acquired fishing rights with the land they have purchased; but in making this inquiry we also desire to receive evidence with regard to the fishing and the rivers generally, and the preservation of the fish, how it is carried out, and the extent to which the carrying out of the preservation is successful; and we

Chairman—continued.

also desire to receive any suggestions as regards anything that can be done to increase the value of the fishing, and of course to reflect that increase upon the value to the tenants who have acquired the fishing rights by the transfer of the lands. Now, that is the object of our inquiry here. We shall be glad to hear, of course, evidence from all quarters, but we have a list of witnesses here, and I will call them in the order of the list, and the first is Lord Clannmorris.

The Right Hon. LORD CLANNMORRIS, D.L., examined.

Chairman.

11124. With what district of the Board of Conservators is your property identified, Lord Clannmorris?—With the town of Foxford.

11125. The town of Foxford?—Yes, it is below the town.

11126. Are you a fisherman yourself?—I am.

11127. And therefore interested in fishing?—Very much so.

11128. What river runs through your property, and have you lakes on your property?—I have two lakes, Lough Conn and Lough Collin, and I own the lands adjoining from where Lough Collin flows into the Moy to the railway bridge you come over a few minutes ago, and I own from there down to Mr. Rutland's property below the town. I have five miles of both sides of the river.

11129. Have you any other portions of the river, where you have only one side?—I mean on both sides I have five miles, say, three and a half on one side and two on the other. For a distance, I say, of three English miles, I have both sides.

11130. That is of the river?—Yes, five miles altogether.

11131. Now, as to the lakes?—Oh, well I own a very large portion of the lakes. I own from Knockmaline on Lough Conn down to Pontoon Bridge, and from Pontoon Bridge down to the railway bridge, and straight on from the railway bridge down to Mr. Rutland's, and on the other side, which I bought from Lord Lonsdale last St. Patrick's Day, I own from the O'Reilly property to where I adjoin the Taylor property on the other side of both lakes.

11132. You are a Conservator for this district, I presume?—Yes, I am a Conservator.

11133. As regards the particular circumstances of that Board at present, I suppose the Clerk will be examined?—Yes, he is here.

11134. So that I need not go into that with you?—No.

11135. Now, have you sold any portion of your property about here?—I have offered it, but I have had no offer as yet.

11136. Is there any portion of the property adjoining yours on the river which has been sold to tenants?—None.

11137. Therefore, so far as your portion of the river and the lakes is concerned, this question of the passing of land does not come in?—No, it does not concern me at all.

11138. It does not concern you at all?—No, neither on the lakes nor the river; I have said nothing.

Chairman—continued.

11139. Are you acquainted with the circumstances of neighbours who have sold?—No, nor can I tell you what the effect would be.

11140. Then you would, perhaps, give us some information or some suggestions as regards the condition of preservation here, and the position of the Conservators, and any suggestion as to how the present state of things, if it is not perfect, could be mended?—Well, of course, naturally, in all these cases money is the great object.

11141. That is to say, you can do nothing without money?—It is money, and nothing else. We can do nothing without money at present, and we are practically bankrupt. We have had to economise to a certain extent in the last few years. I have been specially interested in the preservation of the water of both myself and other people, and I have noticed that we had to reduce the staff of bailiffs the year before last very materially. We could not afford to pay them, and this year we had to reduce them again, and now we need to give £6 to we only give £5 now, and then we paid £5 we only give £4 now.

11142. Is the river divided into reaches for the purpose of the employment of bailiffs?—Yes, certainly.

11143. What would be the length of the reach in which your portion of the river is included?—I must refer to Mr. Shannon. I employ myself three bailiffs privately.

11144. What I wanted to get at, for the information of the Committee, is just exactly the extent to which bailiffs are employed by the Board?—Mr. Shannon will give that in his evidence, but I myself examine the Conservators from protection of my portion. I employ three special bailiffs of my own there with that river, and pay for my part.

11145. Then as regards your property on the lakes, is there free fishing on those lakes?—With any permission there is. I am the owner of both sides of those lakes on the portion that I have told you of, beyond the Pontoon Bridge, right and left, and below the Pontoon Bridge Hotel, right and left.

11146. Now, how many elected Conservators are there?—About twelve.

11147. And do they all take an interest in the preservation?—Yes, they are very regular attendants at the meetings.

11148. How many ex-officio Conservators are there?—Well, there is myself, one; Mr. Percy Knox-

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THE RIGHT HON. LORD CHAMBERLAIN, D.L.—continued.

[FOXPEN]

Chairman—continued.

Goose, two, and Mr. Garvey, I think, three. There are 12 co-officers members, and I am an elected one as well as being co-officer. They elected me as a compliment because I took out my rights.

11149 And from what source is the income of the Conservators derived?—From the licences for the netting and the angling. Now, for instance, the charge for a rod is £1 a year, and you have a licence also for nets, and that goes to the Conservators, and also the drift-net fishing. That all goes to the Conservators for providing the protection.

11150 And the drift nets, of course, in the estuary?—Yes.

11151 Is the tidal waters?—Yes.

11152 Is there any netting in the waters that are not tidal?—Yes, there is a net at Teemagee, and Mr. Venechayle's net. Mr. Venechayle nets and Mr. Pettin nets, and other men. Mr. Pettin has Coal-croome from Mrs. Percy Kne-Gore, and Mr. Wilson works it. There are two others with nets on the river. Mr. Garvey has taken off the Clungee nets, and I have taken off the nets here. I have put off the nets to preserve the river, and then Clungee comes, and then comes Mr. Venechayle, but in that case the nets are on.

11153 Then there was a number of nets on the river?—Yes.

11154 And they have been taken off for the purpose of increasing the value of the river as an angling river?—For rod-fishing.

11155 As a river for angling?—Yes.

11156 Are the lakes netted?—Well, illegitimately they are.

11157 That is, they are poached?—Yes.

11158 To any great extent?—No, and it is only hearsay. I know it is, I don't know from practical experience, but I know the mouth of the Deel has been netted every year, and there are the principal spawning rivers that all the fish must come up. They must come up through the tributaries, through the shallows, and in a dry summer salmon simply lie there in hundreds.

11159 And, of course, it is a more question of expense, of the payment and employment of men to protect them?—They only have one man, as well as I can make out.

11160 What is the total number of nets that are still on the river, as you mention that some of them have been taken off?—Yes, they rent them from the riparian owners for that purpose. Of course, it is not the same expense in each case, because, for instance, some people pay more than others for their right of fishing. For instance, I paid Lord Arvon and Mr. Rutland I paid Mr. Rutland £30 a year, and his rates and taxes came to about £6 all told, and I did that to take off his nets. I paid Lord Arvon £30 a year and his rates and taxes to take off his nets.

11161 Is the whole of the river valued?—Not that I know of.

11162 Not valued by the Valuation Office?—I should think it was, but I don't know. My agent will know. I don't know what my portion is valued at really.

11163 And therefore you don't know what is the tax on it?—No. I have not got the rental book.

11164 But your agent is here, and he will give us the information?—Oh, no, Mr. Rutledge is not here. Mr. Shannon will know. He is my manager, and secretary, and treasurer.

11165 Now has this taking of nets off the river been attended with very good results as regards the increased value of the angling?—Absolutely not. It has been worse every year since I took off those nets. I am sorry to have to say so. I did it philosophically, and I am sorry to say they have had less salmon since I took off the nets.

11166 To what do you attribute that deterioration, which appears unaccountable?—I agree with you. As far as angling is concerned, the salmon lie all night in a deep pool which is good for netting, and they come up to the very foot of the rocks where we

Chairman—continued.

angle, and where the salmon lie in the day time, but that is changed, and I really had more salmon when it was netted.

11167 That is to say, they were detained out of the pools?—They all came up out of the pools and went into the rocks. Dr. Alliman and I got 28 there one day, three years ago, and ever since I have got less and less salmon. I had only about 28 salmon this year, and I had 140 last year, and 180 the year before.

11168 Then it is not that the quantity of salmon is reduced, but that they don't come to where they are fishable?—Yes, that is it.

Dr. McSherry.

11169 Is it fly fishing?—Yes, fly fishing, angling.

Chairman.

11170 At any rate, this is disappointing. Have you thought of anything that would mend that in any way?—Well, I have thought of something. It is rather a strong line to take, that is to allow the nets to go on again on those two portions where I took them off, so as to push the fish into the rocks where they always lay in the day time.

11171 How is the angling carried on, on your lakes—from boats, of course?—Oh, yes, from boats. I know I have the rights, because I have it from the Lord Chamberlain. I have thirty copies of his judgment.

11172 As regards the spawning fish and the protection of the spawning fish, do you think they are poached now more than formerly?—Oh, just as bad, if not worse. I know dispensary doctors and those who go into people's houses and barrels of fish there, spawning fish, suited for the winter.

11173 Is the river in which they spawn the Gwenton?—Oh, the Deel.

11174 They spawn there?—Tremendously.

11175 Is that a trout river?—Yes.

11176 And can that river, as a trout river, be developed in any way?—As a trout river, certainly, if protected.

11177 It is free fishing now, I presume?—Certainly, I suppose so, for the landlords don't use their rods. I have never used mine. I don't mind the people fishing there, I have a lot of water.

11178 The tenants could prevent people fishing?—Oh, they could.

11179 But they don't, I presume?—They have no interest in it.

11180 But an interest could be created?—Oh, certainly.

11181 Have you any idea in your mind, or any suggestion, as to how such an interest could be created in the tenants?—Well, I would give each of the tenants, who own any portion of the river, a fee for protecting it and looking after it, not as landlords, but just for their own interest, and let them have their own rod on it, of course, and keep off anybody else who didn't help to protect it.

11182 Would that fee be paid out of the funds of the Conservators?—Yes.

11183 That is, in fact, to enlist their assistance, but not as landlords?—Yes, as simply owners. They would have a licence for salmon and they have no licence for trout. They would say, "Well, this is my water, and I will not allow you to fish here."

11184 And then you think that something might be done in that way?—Yes, I think if you make it worth the while of small owners to protect the river, you will get it well protected. They will protect it for their own benefit, for an odd fish for themselves, and they will protect it the more if they get something for protecting it. It all means a lot.

11185 Now, the crucial question is, how you would propose to raise the funds?—I will tell you, a grant from the Agricultural Department. I got a grant three years ago, and gave £100 myself towards it. I said if they would give £250 that I would subscribe voluntarily £100, and I paid my £100 to Mr. Gill.

11186 I know that they do at present contribute a certain proportion?—I don't know that they are

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THE RIGHT HON. LORD CLAMMERS, D.L.—continued.

[FOXFORD.]

Chairman—continued.

contributing anything this year or last year here to the Moy.

11187. I was rather thinking, apart from the question of contributions of public funds by the Department of Agriculture, whether there was any way in which funds might be raised by an increase in the cost of licences, or, perhaps, a more rigorous collection of the tax by the Conservators, whether the funds might be increased or enlarged in that way?—Well, as far as an increase in the licences goes, I don't mind that in the least. I don't think anybody would mind that, so far as there was an increase in the licence for fishing purposes, but I don't know as to the other part. I think the Conservators have done their very best to get every penny they could, but of course if more people come here to fish with rods, that will be so much more to the exchequer of the Conservators. And also, I think the licence for nets might be increased a little more, and if the people who own nets thought it was worth while to give a little more, of course, they would help the Conservators, but of course there is no forcing about it; it is simply voluntary.

11188. We will hear from another witness what is the revenue from the licences, and that will give us an idea of the number of rod-fishers, as well as the number of nets?—Yes.

Dr. Mahaffy.

11189. Was there never netting on Lough Conn?—Not that I know of.

11190. You never heard of it?—I never heard of it. 11191. Isn't it very difficult to preserve on a lake if people start from a different part of it?—I don't preserve for salmon there, except one pool, which is retained for my own rod; but I don't even retain that, because I allow everyone free licence to fish in it. The trout fishing I let them have.

11192. Now has not the trout fishing been preserved?—It was originally, but it fell through years ago.

11193. And I believe it was not a great success?—I think it was fairly, but it fell off and then it lapsed for several years, and we started again with a fresh association.

11194. To make that a popular place to fish in for strangers coming over here?—But there are people

Dr. Mahaffy—continued.

who would fish away and take all the fish and never say thank you for fishing there.

11195. It would be necessary to put some tax on them?—We have no power.

11196. That affects fishing for a great many people?—Plenty.

11197. A great many people could go there for trout?—Yes.

11198. How many rods could you put on, supposing you meant to let it?—I should think six rods. There would be ample for six rods, more if you like.

11199. Have you had six rods on it?—I think five. Yes, I have had six, with myself, occasionally.

11200. Had you good sport?—Yes, very good sport. For the last three years it has fallen off.

11201. On the river have you good fishing?—Yes, we have plenty of water. When they cannot fish at Cleongee and Cookesman, on each side of me, I have plenty of water.

11202. You say that some fish are lying in a pool in the night and lying up among the rocks in the day?—Yes, there are many deep pools, and then there is one celebrated pool called Gorta. It is a celebrated pool, a long pool, I suppose it is nearly a quarter of a mile long, and there that there are deep pools again, and the fish drop back into them or come up onto them, as the case may be, and lie there at night, and come up in the day-time. I see them jumping, but you could not get one to rise in the pool. Every summer that happens.

11203. For the last two or three years the fishing has been bad?—I only attribute it to the fishing nets being taken off. I think if they were moved out of the deep holes they would come up in the rocks and you could get them then.

Mr. Calderwood.

11204. You said that several nets have been taken off?—Yes, four nets. Mr. McDermott's, mine, Mr. Rutland's, and Lord Arran's. I took off three, Mr. Garvey took off one.

11205. Are those other nets remaining in the fresh waters?—Yes, and there are four off.

11206. How far up the river is this netting?—Cookesman, five miles below me.

11207. How far from the mouth of the river?—I suppose about three or four miles, about six miles the highest net, that is, following the river. Oh, no, that is exactly eight miles up the river from Bellina.

MR. EDWARD F. ASKINSON, continued.

Chairman.

11208. You are the Clerk to the Ballina Board of Conservators?—Yes.

11209. Will you tell me the extent of river which is under the control of the Ballina Conservators?—I think I have furnished the particulars to your Secretary.

11210. Just give it as shortly as you can?—I think there are about 300 miles of spawning rivers, and it amounts to about twelve, I think, of netting.

11211. That is to say, the river and its tributaries would make a total length of about 300 miles?—Yes, as well as I could make it out from the Ordnance map. I had an engineer to go over it.

11212. And the netted portion of the river would be twelve miles?—Yes, from where the river runs into Lough Conn to the mouth of the river, and a short part of the Eskay river.

11213. Apart from that twelve miles, how much of the river would be fishable for anglers?—Really, I couldn't say.

11214. I mean for legitimate angling, not a man who goes out occasionally on the chance of getting a salmon in a small stream?—I should say about eighteen miles.

11215. Perhaps you would just tell us now the circumstance of the Ballina Board of Conservators, of which we have heard that there are twenty-four members, twelve elected?—There are six for the Upper or fresh waters, and six for the Lower, and

Chairman—continued.

there are five ex-officio members, and one other ex-officio who does not recognise himself as such, because he disposes his valuation, and has not acted as a Conservator.

11216. Now, as regards these Upper and Lower sections, do the Conservators here act as a body jointly for Upper and Lower?—Yes, jointly.

11217. For the whole river?—Yes, for the whole river, for the whole district.

11218. They all join?—Yes, and the meetings are held at the same time, and they are all summoned for every meeting.

11219. How are the funds derived, and to what extent, can you tell us?—They are derived from the licence duties on rods and nets, and private subscription, and the ten per cent. assessment on the valuation, and portion of the fines received, but we can't count that, because they are handed back again to those who are the means of obtaining the convictions, and costs when they are allowed by the courts, but that does not cover the expense of prosecutions. There are private subscriptions by various proprietors.

11220. Is the whole river valued for the purpose of the assessment of ten per cent?—Yes.

11221. Could you say that every man who is a riparian owner, as well as everyone who has property, including fishing, is included in the valuation?—Yes, there is a particular valuation put on the fishery.

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MR. EDWARD F. ATKINSON—continued.

[FOLKTON.

Chairman—continued.

11223. Is every man who has property on the banks of the river valued upon it?—No, there are only a certain number.

11223. How is it that the Valuation Office does not put a value upon the property of every man who has land adjoining the river?—That I could not say.

11224. Is it not done?—It is not done.

11225. Then there is no connection between the assessment or the raising of funds for the conservancy and the levying of taxes for district and County Council purposes?—No, sir.

11226. Where a valuation is put on the fishing of a river or any portion of it, and where you get ten per cent. upon that valuation, do the County Council also get their assessment?—They get their rates on that too.

11227. Do they get their rates on that valuation?—Yes.

11228. On that valuation?—That is the Poor Law Valuation, sir.

11229. Then suppose that the county rates are 3s. 6d. or 4s. in the £, and they are that sometimes, are they not?—Yes, sir.

11230. And even above that?—Yes, I think they are 10s. in Ballins.

11231. But where the rates are 3s. or 4s. in the £, say 4s., and where on the same valuation you get ten per cent., you would only get 2s. for their 4s.?—Yes, that is so, that is distinct, a fixed percentage, but then if you take out a licence they get credit for that, as against the ten per cent. assessment.

11232. Oh, of course, that is to say, that if there is £10 to be paid on the assessment, and that they take a licence for £3, they would only pay £7?—Yes.

11233. But, after all, the fact remains that where a fishing is valued, the County Council get a good deal more on that valuation than the Conservators?—Yes, the ten per cent. is fixed.

11234. Now, perhaps you would give us some particulars, first of all, of the income and expenditure of the Conservators, roughly?—I can hand you in the figures from 1906.

11235. Take it in any year that is most convenient?—From 1909 to the present year.

Mr. Green.

11235a. Give us the last one audited?—Yes.

Chairman.

11236. Read it, please. I want it on the notes. How much is there contributed from licences of rods and nets, and how much collected on the assessment?—For the year 1910 (that was the last audited) single salmon rods, £102, fixed licences, £79, draft nets, A. Division, £24; draft nets, B. Division, £24; drift nets, £147, cod nets, £39.

11237. If I have taken it down rightly that is £388?—Now, for the sum of watching for 1910 we paid £243.

11238. You have not given me the receipt yet, I wanted to know what the income was?—Yes.

11239. For 1910?—The ten per cent. assessment amounted to £75 4s.

Chairman.

11240. You are a member of the Ballina Board of Conservators?—Of the Ballina Board of Conservators.

11241. And you are an elected member?—An elected member. I am manager of the "Moy Fishery."

11242. Were you elected for the upper or lower waters?—For the lower.

11243. Now you are acquainted with the persons employed, and the way in which the money is expended for the enforcement of the law and the preservation of the fish?—I am.

11244. First, perhaps, would you just answer the question I was asking as to the proportion that is spent in the upper and lower waters?—It is an even twelve.

11245. What is the one and which is the twelve?—The one is for the lower.

11246. And it is mainly on the upper waters that the

Dr. Molloy.

11246. The whole receipts?—The ten per cent. assessment.

11247. Tell us what is the whole total?—The whole total comes to £710 5s. 6d.

Chairman.

11248. What is the expenditure?—We had a balance in the treasurer's hands of £209 5s.

Dr. Molloy.

11248. Is that a real balance?—A real balance.

11249. No debts?—No debts on that whatsoever, £209 5s.

Chairman.

11249. Now, are the men employed at different seasons of the year?—Yes, sir.

11250. Have you a greater number in one season than in another?—The winter are the greater number. I have got here the amount expended in protection since the winter of 1906-7, what we expended on the winter watching and the summer watching.

11251. What was the expenditure on the winter watching?—On the winter watching of 1906-7, £225; the summer watching of 1907, £27 10s.; during the winter watching of 1907-8, £280 was expended. That comprised £280 from the treasurer, £250 from the Department of Agriculture, and £300 contributed by Lord Clancormie, the anglers' contribution. The summer watching of 1908 was £26 10s.; the winter watching of 1908-9, from the funds of the Board, was £286, and from the Department a contribution of £250, and that came to £536 for the winter of 1908-9; for the summer watching of 1909, £116, winter watching of 1909-10, £216, summer watching of 1910, £246; winter watching of 1910-11, from the funds of the Board, £280, and from the Department a contribution of £250, which amounted to £530; the summer watching of 1911, £109, and for this winter watching of 1911-12, £290 allocated already for the winter watching, and the Department will give a further contribution.

Mr. Green.

11251. Before you pass on from that balance, it is not an actual profit balance?—No, sir.

11252. It is a carried on balance?—Yes.

11253. It is to provide money for the next year for you?—Yes, the balance goes on and is carried forward to the next account.

Chairman.

11254. But you hope to be able to carry on the same balance to next year?—It varies.

11255. What proportion of this expenditure is carried out upon the upper waters as compared with the lower waters, which do you spend most on?—Mr. Shannon will answer that. Most goes to the winter protection. Mr. Shannon can inform you best, sir, as he knows where all the bailiffs are.

*Mr. GEORGE SHANNON, examined.**Chairman.**Chairman—continued.*

expenditure is?—The upper water and the winter protection.

11256. It is a great stretch that you have to protect, 300 miles?—300 miles.

11257. Have you any difficulty about the lower waters as all on account of the close season for drift nets?—No, there is no fishing on the lower portion of the tidal waters in the close season.

11258. Have you a boat?—No, because the bailiffs are on, and the salmon don't remain; they go on to Spain; but in the summer time we have a watch on the tidal waters with the boats on the Moy up to 15th October.

11259. I see from the receipts for the licences that the number of nets is considerable?—Yes.

11260. And do those people always comply with the law?—They do fairly, except in out-of-the-way places, and I will explain to you later on where the difficulty is

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Mr. GEORGE SAMPSON—continued.

[FOXPORD.]

Chairman—continued.

11265. Now, will you say what you want to say and give us any suggestions that you think would be of use to us, in your own way?—The Ballina district in the counties of Mayo and Sligo extends between Bennee Head and Curlew Point. The five principal rivers flowing into the sea between these points are, first, the Moy, then the Pallasberry, which you see on the map that I have handed in; the Eskey river, the Ballygran river and the Ballycastle river, the Killybeg, the Headfield (these are spawning rivers) and the Belderrig, running away to the north-west. The extent of areas of these fished by nets, and the areas fished along the sea-coast, is shown on the two maps which I am prepared to submit. One I have handed in, and the other I hand in now. This takes in the drift net fishing on the coast going along the north-west.

11266. Do you license men to fish on particular portions?—We license a particular net, and the man is obliged to fish in near his own place where he resides along the shore.

Dr. Mahaffy.

11267. But suppose he goes outside?—He can fish anywhere in the sea between these points under that license.

11268. Why should he fish in one place?—Because he won't go further from home than perhaps five or six miles. It would not be safe for him in one of those boats.

11269. That settles itself?—That settles itself. There are some 12 fishing stations on the fresh water portion of the Moy from Ballylahan Bridge to the weir at Ballina; and there was of one time 54 stations in the tidal water portion of the river. There are only about 30 now; 20 are drained in the latter place.

11270. What has been the cause of that?—Well, the Moy Commissioners introduced training walls into the river, and we had an inquiry some years ago about it, and we lost about thirty stations through that.

11271. The increase of nets outside had nothing to do with it?—Nothing whatever to do with it.

11272. Have the nets increased outside?—They have.

11273. Have the nets increased both in number and length?—They have increased in number and length.

11274. What is the longest now?—800 yards. Of course they could fish longer nets, but they are permitted to use legally 800 yards.

11275. You could not confine them to 800 yards by the license?—No, the license doesn't specify the length at all. The tidal stations in the river have been fished by seven nets and the fresh water by as many as seven or eight at present. The coast area includes six bays. Killybeg Bay was some years ago fished by some six bag nets and some forty-four nets of 400 yards in length. For the past six years only a few drift nets have been fished in it, and the bag nets have dropped. We had the bag nets fishing, and Mr. Gorrery authorized me to drop them, and we did so, to let up the fish for spawning purposes, some twelve years ago. The north-west coast has been fished for the past six years with some forty drift nets from 400 to 800 yards in length. The fishing operations and the power for capturing salmon are now more extended and greater outside Killybeg Bay along the north coast to Bennee Head, and on the east coast to Curlew Point than in Killybeg Bay, and the Moy inland to Ballylahan Bridge. It was the other way before the drift net operations were begun on the east side and later on the west side. Formerly the Killybeg Bay drift net men and the tidal fresh water men had good catches, and the fishings in the district were healthy and prosperous; the same could be said for the anglers on the Moy and Loughs Conn and Cullin. On the 12th of May, 1900, the Irish Inland Fisheries Commission sat in Ballina and took evidence on the general state of the decline of salmon fishing in Ireland. The drift of the evidence went to show that there was no shortage in spawning fish, but the shortage in catch by nets was attributable to climatic causes. The fishing recovered in 1902 and 1903, and fell off again after the invasion of the north-west coast by the forty drift nets intercepting and heading off the normal run of fish in June and July when trying to locate Killybeg Bay before making a run into the river Moy.

Chairman.

11276. Where did those forty drift nets come from?—From the locality there.

Dr. Mahaffy.

11277. A public company or private industry?—Private industry, financed by some English firm. The fish come along this coast, they are making for the river; but before they can enter the river they are headed off by the drift nets and sent to sea. The state of affairs was such that the Board of Conservators called for an inquiry by the Fisheries Branch of the Department of Agriculture. The inquiry was held on the 30th April, 1908, and many witnesses were examined on both sides. The result was that the nets in the Bay, near Rathliska, were shortened to 400 yards.

Chairman.

11278. What were they before they were shortened?—800 yards, or 1,000 yards.

11279. And now they are 400?—Yes. We asked them to reduce the length to 400 all round, and pointed out the injury that was being done, and they reduced them to 400 yards, but only in Rathliska Bay.

11280. Have you noticed any appreciable results from that?—No, because the fish arrive at the off-stations first.

11281. Has it had any effect in increasing the fish in the river?—No, we have not noticed any increase, and there cannot be, because they are headed off. They began the wrong way. The result was that the nets in the nearer Bay were shortened to 400 yards, but the nets on the off stations (the stations the salmon struck first) on coming from the sea) were allowed to remain at the former length, 800 yards. The fishings, both for netting and angling in the Moy, tidal and fresh water, have not improved these past years, and I consider the cause is visible and apparent. The spawning area in the Ballina district is very large, varied and extended. There are five rivers other than the Moy protected for salmon spawning, namely, the Eskey, the Pallasberry, Ballygran, Ballycastle and Belderrig. The Moy, from Ballylahan Bridge to its source, and all the tributaries covering an extent of some 300 miles of spawning, are marked on the map, and I enumerate them as follows:—Booness and branches, Bunsynglass, Yellow river, Deel and branches, Castlehill and Adighool, flowing into Lough Conn, Clydagh, Tullagh and Moylenna, flowing into Lough Cullin, and then into the Moy, south-west of Foxford; the Strade river flowing south, the Ballinamore, Glone and Trimogue, flowing into Gweedagh, and the latter into the Moy, the Cullins and Bother further south; the Blackporth, south-east of Strimfield, the Samnagh and Bellaghy further south-east; the Belmore, Belmore, Carraree and Gortier, which flow into the Moy at Achery; the Tullygrath, Tullyville and Mad rivers further south-east, and the Carralla and Branchfield forming the source of the Moy. The area protected is over 800 miles, and this extent I have divided into 15 sub-districts, with headman over each. Besides the spawning area we have the splendid lakes, Lough Conn and Lough Cullin. Lough Conn is a fine preserve for breeding fish. It is now being preserved by a Committee of Anglers and others interested, and I anticipate good results to follow, as the committee and the Board of Conservators are working together during the close season. I make the appointments of the bailiffs, both for the Board and the Moy Fishing Company, the latter making the larger number of appointments and paying the larger part of the expenses during my connection with the fishery, a period of forty-three years.

Chairman.

11282. How many men have you over that?—We have between three and four hundred men altogether.

11283. What do you pay them, the head men?—From £10 or £15 and £20 during the spawning.

11284. The head men is retained all the year round?—Yes.

11285. And the men under him?—No, only for six months of the year, and from the 1st of November to the 1st of June at £3 to £4 each. The bulk of them go off to England then.

11286. Both the Moy Fishing Company and the Conservators join in the expenses?—Both join. The average expense for the protection of all these sub-districts has been £1,100 to £1,300 annually. The proportion paid by the Board would be about £300, and by the Moy Company £800. The protection by the Moy Company in the close and weekly seasons exceeds £1,500. Then the Moy Company in the open

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Mr. GEORGE SHANNON—continued.

[FERRY.]

Chairman—continued.

season protect also, and their contribution would be over £1,000 for protection in both times. The Department of Agriculture are now willing to give to the district for winter protection £250 on my guarantee that my Company will contribute £750. This sum is thankfully received by the Board, but the latter body feel it is inadequate to assist them in the protection. The latter is becoming unmanageable owing to the system and methods of poaching of late years. The poachers run out at night in gangs and make and operate by means of torchlight and gaffs and nets. The landlads are unable, single-handed, to cope with the poachers, so that the latter have in many cases and places a walk-over, and the salmon are robbed off the beds as soon as they come on the beds for spawning. We get fair assistance from the Royal Irish Constabulary in some places, if the men are not employed in other duties. What is wanted is that the authorities should strengthen the force in the barracks in the spawning districts by a few extra men for six weeks while spawning goes on. The extra men could then give their time to the work by patrols at night, these would deter and keep the mobbing under, and the landlads would be able to cope with single fishing here and there. I would advise the Board to allocate some of its funds to the expenses of these extra men at these out-stations, because their presence there, and the knowledge on the part of the poachers, that they were stationed there to cope with mobbing, would have the desired effect.

11287. How many stations have you in your mind to which this might be applied?—I would suggest Crossmolina, Scarafah, Baha, Kiltinagh and Curry.

11288. That is all?—That is all.

11289. How many men?—Scarafah, 6 men extra for six weeks; at Baha, 2; at Kiltinagh, 2; but the authorities can't let two men now go by themselves, and they require four. They would not allow two men, owing to the mobbing now. They had some better experience of it.

11290. You have mentioned six or seven places?—Yes. I think twenty men would cover it all, and those twenty would be of great service for the purpose of stopping the mobbing that has existed.

11291. Do they wish to assist you now?—Oh, they do assist us, and very well indeed, when they can afford it. Last year when the elections were on they could not give us much time till the month of January.

11292. Is it six weeks that you require this extra protection for?—Yes, that covers the spawning period.

Mr. Green.

11293. What six weeks is that?—From the 1st of December to the 10th of January. Some districts are earlier than others.

Mr. Colderwood.

11294. Do more fish spawn in December or November?—The bulk of them spawn in December.

11295. Then you are rather late in your spawning season?—We are late.

11296. When do most of your fish run the river for the smutter?—In June and July the bulk of the fish run.

11297. Is the biggest run in June and July?—Yes, the grabe run, the spring run is earlier than that.

11298. When does your season open?—On the 1st of February, and it closes on the 15th of August in the tidal waters; and on the 1st of February to the 1st of August in the fresh waters.

11299. You have two separate seasons?—Yes.

11300. Do you get a good class of spring fish early?—In February we have fish 10 lb.

Chairman.

11301. Now, apart from the additional assistance you would like to get from the Constabulary, and the grant you would like to get from the Department of Agriculture, have you any proposition to make as to how your revenue should be increased locally?—I gave evidence on that at the Inland Fisheries Commission and my evidence would apply yet. I would not change it one bit.

11302. Tell us, shortly, what your evidence was, as

Chairman—continued.

we should like to have it on this note.—I said, "For improving the fisheries, action should be taken to bring about the fulfilment of the object aimed at in the passing of the Act of 1863, viz., large supply of salmon to pass into preserves in upper waters during the open season for angling and breeding purposes. The preserves on the Moy are now limited, since the passing of the Act of 1863. Previous to this Act the preserves were from the weir at Ballina to Achra. Since the passing of said Act the greater and best parts of these preserves are combled out with nets, and the number increasing to some 20 or 21 yearly. These nets sweep the river in single and double numbers from the weir to Ballylunan Bridge, a distance of 12 miles, and from the Moy into the shore of Lough Collins. Netting should not take place in close proximity to the spawning grounds where salmon remain waiting to go on to the tributaries when the spawning season arrives. Netting should be carried on only in widely apart stretches of water when salmon are on the run. Netting or the practice of scouring in testing places or scourers ought not to be permitted, because these places are the reservoirs to supply the different fishings as you ascend the river, and the salmon passing these reservoirs during the restricted hours (8 o'clock p.m. to 6 o'clock a.m.) would have a better chance to escape to the higher reaches of the aforesaid preserve. Length of ordinary drift nets to be fixed. No over-lapping of nets should be allowed. All ordinary drift nets fished as weak current should be shot out and landed home, and not allowed to rest indefinitely from the effects of being heavily weighed and consequently sink in the mud or bottom of sluggish ground. A clear opening or passage ought to be left by parties who fish both banks of a river, and when different parties fish from each bank to the medium firm, a very strict rule should apply that in no case should nets be shot out or hauled home at stations opposite on each bank." And I also said that the houses should be doubled for all fishing in general.

11303. Now, is there any other way in which you would increase the income of the Conservators?—Yes, I hold that the ten per cent should be paid by the landlads or whoever receives the rents, and the occupier should also pay another percentage. The landlord gets a fairly reasonable rent, and, of course, he looks out for that. And he ought to contribute out of that.

11304. That is, when he lets the fishing?—Yes.

11305. Or if he fishes it himself?—If he fishes it himself.

11306. And that the valuation should be upon what he gets?—The valuation is put on by the Commissioners for Poor law purposes and not for fishing purposes at all, and it is on that valuation that we assess the tax per cent, and we only assess on any fishing that is worked. The other fishings are not assessed at all.

11307. Would you ask a tenant who had an interest in the fishing to contribute towards the funds of the Conservators?—Either that or double his licence.

11308. When he is a licence-holder?—Yes.

11309. You assume that the tenant is a licence-holder?—That he is a licence-holder and occupier of the fishing.

11310. I am thinking of the occupation of the land?—Well, we will call him landlord, occupier, or owner; I say if he gets a rent for his fishing he ought to pay something out of that towards protection.

11311. Then you think that nothing should be contributed to the funds of the Conservators unless a man gets something from the fishing of the river opposite to his land?—Oh, no, I say the anglers always contribute.

11312. By their licences?—By their licences.

11313. But I am talking now about the assessment?—If a man holds a fishery and does not work it, we could hardly assess him for its protection. That is only fair and reasonable.

11314. The tax increase would be from doubling the licence?—From doubling the licence.

11315. You think the licence is not sufficient?—It is not sufficient. Now, for example, take the drift net of 500, 600 yards long; they pay £5 for that and we have to pay £3 for a net 150 yards long in the river.

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Mr. GEORGE BRANSON—continued.

[Forth.]

Dr. Mahaffy.

11316. They ought to pay £109?—They ought. At least double the thing.

Chairman.

11317. Now, I take it that your main difficulty is with regard to these drift nets, that you say drive the fish out to sea?—Yes, that they have done it to my knowledge.

11318. Now, would not a reduction of the length of the drift nets alter that?—Of course it would.

11319. Would there be anything to prevent two men fishing a net in common?—No; they could be watched for that and punished.

11320. Is there any bye-law or anything to punish them for that?—Oh, we would have a bye-law to punish them.

11321. But at any rate without getting a preliminary law?—They could put any number of nets together, and they could fish as many as they liked. We could not supervise them. The area is too far.

11322. You have no boat?—The Conservators have no boat. We have only land watchers.

11323. To look after the weekly close time and see that they observe it?—Yes.

11324. What is the weekly close time for fishing with these nets outside?—It is from 6 o'clock on Saturday morning till 6 o'clock on Monday morning.

11325. Supposing they don't observe the close time, don't you think that there is one very important element to be thought of, to give the fish fair play to come in and to work out to sea. The close time, you say, lasts from 6 o'clock on Saturday morning till 6 o'clock on Monday morning, and that would be a great deal of time; but if the Conservators have no means of enforcing that, I presume that it is not always complied with?—No, it cannot be enforced. I saw them myself attempting to fish in the close season this year.

11326. Don't you think that is a great blot?—It is, and we have no funds to protect the fishing.

Dr. Mahaffy.

11327. You could protect it with a steamer?—Oh, yes, a steamer.

11328. And have you attempted to get a steamer?—No, I have not gone into that, having no funds.

11329. In your opinion, that is what is spoiling the fishing of the May?—My opinion is that this year and other years the drift nets intercepted the schools of fish when they were going in, and they are killing the large salmon, and we proved that at the inquiry. They are catching the large salmon and we are only getting the small salmon.

11330. But the fishermen out there will spend their own trade in the long run?—My opinion is that it is bad for all concerned. There are a few men that would be actually benefited by preventing the fish coming in, whereas many are injured.

11331. It is likely that that would destroy the fishing in the May altogether?—It is. We proved that to the hilt at the inquiry.

Mr. Calderwood.

11332. What is the position of your company?—They are the owners of the tidal waters in perpetuity for six miles from Belfast to the sea. That is where we operate, and we have fresh water fishing as well.

11333. How many nets have you in the tidal waters? Six fixed draft nets for which we have a certificate from the Department, and two ordinary nets. (Witness describes on the map the position of the nets on the river.)

Dr. Mahaffy.

11334. Then you have all these nets on the fresh water?—Yes; and some years twenty-four nets.

Mr. Calderwood.

11335. I want to know the actual number of nets you fish?—For the present year, three nets.

11336. What extent of the river is that?—That would be about four miles, I should think.

11337. Are there any nets above that point?—There are.

Mr. Calderwood—continued.

11338. You said now that you thought there should be no nets on the upper waters?—I have suggested that for years. It should be wholly and entirely left for angling purposes, and I believe if the river and lakes were confined in one angling property it would be a most valuable asset to the country.

11339. Do you think there might be possibly a point fixed above which nothing should come?—I think there might. But I think it should be allowed in wet seasons, when the salmon would rush it.

11340. If you did establish a point above which nothing should come, supposing it was possible to do so, on what principle would you establish it?—I would say, remove every net on it.

Dr. Mahaffy.

11341. That is the highest point?—The highest point; or unless they could show that they had a right to fish in the fresh water by patent or grant, but till that is done, I think the whole thing should be taken up and put into one angling pool.

Mr. Calderwood.

11342. Do you think that the running fish manage to get through the nets that now exist?—The only chance they have is at night-time in the fresh water.

11343. Do the nets not fish at night?—No, not in the fresh water.

11344. I think you said you thought it desirable that nets in fresh water should be far apart?—Yes.

11345. That does not quite harmonize, to my mind, with what you are telling us now. You say you think the nets should be off the fresh water?—Well, at that inquiry I did not give an adequate indication of my feelings with regard to the river nets. I am strongly of opinion that there should be no netting in the fresh water.

11346. Do you think that if you have nets in the lower waters and not in the upper waters you would simply be transferring the property from one place to the other?—Yes, the fish would run up for angling and spawning.

11347. So that it would not be a very great benefit to the actual stock of fish in the river if you dealt with it in that way?—It would be a benefit to have a great gap between the nets and more fish would escape.

11348. But you generally approve of taking the nets off the fresh water?—Yes.

Mr. Green.

11349. Is it not a fact that there has been a great deal of transfer of land from headland to tenant at the head waters of the May?—Only one case that I am aware of, that is a property up at Swinford, which Lady Palmer has sold, and I should say she has not reserved the sporting rights. They have been given over to the tenants.

11350. And as there angling there?—There is angling, and especially up towards Swinford and on the Greenan river.

11351. And that will go to the tenants?—Yes, to the tenants.

11352. But above the town there has been an immense amount of land sold to the tenants?—Yes.

11353. And some on the small tributaries?—The whole of the spawning rivers are running through their land.

11354. Now has there been any increase or decrease in the poaching, or has it been affected in any way since that transfer?—No, I don't think the tenants have reduced the thing properly at all. The thing has not been properly transferred or vested yet.

11355. In the small streams that come down there is no angling of real value at all?—No.

11356. Even to let?—Oh, no; and at the time the salmon go there it would be the close season.

Dr. Mahaffy.

11357. There is some trout fishing?—Some trout fishing.

11358. Sea trout?—No, what they call red trout.

11359. Is that fished with a rod?—Yes.

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MR. GEORGE SHANNON—continued.

[FOURTH.]

Dr. Mahaffy—continued.

11360. There is not much sea trout fishing?—Not many sea trout.

11361. But the angling is worth something?—Of course it would be.

Mr. Green.

11362. Has there been any other transfer of land on parts of the river that are really valuable?—I don't know about the Arran Estate.

Chairman.

11363. It is sold, but not yet vested?—It is in process.

Mr. Green.

11364. So that there will be more angling in the hands of the purchasers?—Yes.

11365. And on the Deol River?—Yes, with very good angling on the river. It was a valuable angling river in former years.

11366. And what is the condition with regard to the sale of land generally?—I don't think there is any, except Lady Palmer's, sold at present. I think the Pudget Estate is sold, and the tenants have got the rights there.

(At this stage, *Dr. Mahaffy left the Meeting.*)*Mr. JOHN W. GARVEY, examined.**Chairman.*

11373. Now I think that the Secretary to this Committee addressed to you a number of questions?—He did, sir.

11374. You reside at Ballina?—I do, sir.

11375. And you are one of the principal proprietors of the fisheries?—I am, sir.

11376. Of the Moy Company?—We are not a Company. We are only private individuals, and we own the fishery from the weir to the sea. It is a tidal fishery.

11377. What do you call it?—The Moy fishery.

11378. Now with regard to the questions that were addressed to you by our Secretary, I think we may take them in the order in which they were put, and you will give us the replies?—I will just tell you what I think, if you will allow me. As I have said we own the fishery from the weir to the sea. That is entirely in the tidal waters. It is some seven miles long. We also own a mile and a-half, or rather two miles, of the fishery in the fresh water immediately above the weir on one side only. The other side is held by Mr. Venechayle. We have six nets in the tidal waters, and these are fished as six fixed drift nets. That is all the engines that we use in the tidal waters, with the exception of one net that we use quite close to the town of Ballina, where the water can scarcely be called tidal. That is the outlier number of engines that we use in the whole stretch of the river.

11379. Tell me exactly the description of the fixed drift net?—It was a net that was merely a drift net till the passing of the Act of 1863, and when the Act of 1863 was passed there was a definition in the Act of what was a drift net, and our net became a fixed net within the definition, because it says, "Any net held by hand or rendered stationary in any other manner," and our net is just shot out like that and held by a buoy, and it remains there for about an hour, or whatever the time might be, and it is then brought round. That is exactly our method of fishing in the Moy, and we have six of these nets in the entire river, which I formerly cover a distance of about eight miles. Prior to the passing of the Act of 1863 there was not a single net in the fresh waters of the Moy, not one single net, and it never was intended that there should be a net in the fresh waters, because the Act of 1863 was carried, as everybody knows, by the anglers' vote. Unfortunately when they made gains in the weir to allow the fish to go up, they did not limit the rights of the riparian proprietors to fish, and consequently an enormous number of nets started to fish in the fresh waters of the Moy. At one time there were as many as twenty between the weir at Ballina in the fresh waters of the Moy and above Fodred. Now we own in fact—sample, and I have been at my wit's end for years and years to try and get a

Mr. Green—continued.

11387. That is good angling?—That is good angling. 11388. And that is lettable?—Of course. It may be mentioned that there is a bye-law to force here, but it is merely affecting the angling, and we made an effort to get it extended, but that cannot be done. We had an inquiry to separate the trout angling from the salmon angling, but I believe the anglers, so far as I know, since the Association started, are very well inclined to help the Board, and they are helping the Board, and I think they are anxious in every way to assist us. There is a good spirit abroad among them.

11389. About the ten per cent. rate, have you taken any steps to get fishings rated that were not rated, for the purpose of getting the ten per cent.?—We have. All the private fishings are rated. Unless they are worked, they won't be rated.

11390. What is the lowest valuation that you have for one fishery?—I think a few pounds.

11391. Do you collect a few shillings on some of them?—Oh, no, we do not.

11392. No matter how small they are they pay rates?—Yes, but very little is coming in except on the Moy fishings. Where the others are worked, the licence duty is deducted from the assessment.

Chairman—continued.

efficient supply of fish for breeding purposes, and the only way that I can accomplish that is by taking our nets off in the tidal waters altogether for a fortnight or three weeks, before the open season closes in the tidal waters, because we have a fortnight longer in the tidal waters for the open season than they have in the fresh waters, and for the last six years I have taken off my net a fortnight before in order to get a sufficient supply of fish up for breeding purposes.

11390. You don't mean for hatchery purposes, you mean the natural run?—Yes, the natural run. Of course there is an use in my taking fish up during the open season into the fresh waters for the reason that they are better between Ballina and Fodred. I am going to make an admission, an admission I am really very sorry to have to make, and it is that, that I and my family own about two miles of one side of the fresh water. The other side is owned by another riparian proprietor, and I offered to take off the nets altogether in the fresh water portion that we have, provided the other proprietors would do the same. Of course they did not do that, and the result of it has been that we have to net half the river above the weir in the fresh water, and I am still of opinion, notwithstanding that we do that, that it is wrong, and it should not be done. In fact I feel very strongly that there should be no netting in fresh water. To begin with, the river is narrow, there is very little current, and the fish can be practically all combed out. Now, that is what I wish to say in regard to netting in fresh water.

11381. Well, there are only seven nets now?—There are nine nets fishing now in fresh water.

11382. I think Mr. Shannon said seven?—I think that is inaccurate. I think there are nine nets. Well, the effect of that Act of 1863 was to drive us to fish in the upper waters, because if we were to get our fish at all, we had to fish in the upper waters in order to get them at some stage.

11383. How did the Act of 1863 do that?—The Act of 1863 opened a gap in the weir to let the fish up for spawning purposes, and the moment that that gap was opened in the weir (which it became, I think, in 1865) all those nets in the fresh waters came into play then.

11384. Did the fish not go up to spawn before that gap was opened?—What we always did, being the owners in fee of the river, and the weir being closed from end to end, as it appears on the Docks Survey, was that we regulated our capture below according to the supply of fish in the river, and when we saw that it was a lean year we opened a passage and let sufficient fish up for breeding purposes, and for angling purposes, and the angling was never better in the upper waters than it was prior to 1865; in other words we regulated the supply of fish that were sent up.

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MR. JOHN W. GARDNER—continued.

[FARROW.]

Chairman—continued.

11885. In fact you did by direction what the Act of 1863 made obligatory?—Compulsory, if I may say so, but the benefit of it was controlled by the fact that the fish were netted. I estimated, after long experience and careful study, that we required 20,000 fish for our tributaries, and I should even say more now, having regard to the evidence that has come out lately that few, or comparatively few, of the fish spawn. I was under the impression, till lately that every fish that went up the river, comparatively speaking, spawned, but I think we have more information about that now, and I have completely altered my opinion. Now I think very few, comparatively speaking, of the number that go up, spawn. I am satisfied that they do not, and consequently the number that we would want now would be even more than the 20,000 fish that I estimated. Well, never could the 20,000 fish escape into the spawning tributaries under the present methods that are at work. As regards the position I stand in, I have told you that we are owners in fee simple of that river, and we are anxious to develop our own property, and in order to show you some evidence of that, I say this, that in addition to paying our licence duty, and paying ten per cent. upon our valuation, which is high, and has been as much as £3,000 a year, Peace Law Valuation, there has not been a year within my memory in which we have paid less than £100 to the Conservators over and above our ten per cent. and over and above our licence duty, as a free gift handed over to the Conservators to use for the purpose of preservation. We have given as much as £1,000 a year, and it is only in recent years that I have been obliged to cut it down, owing to lean seasons, to a sum of £700 or £800. The tax that we pay upon our valuation is exceedingly high, especially as portions of our river, and a large portion, is within the urban area of Ballina, where the taxes are high, and we seldom get out of the taxes under £900 a year.

11886. What is the amount of your tax paid to the Conservators?—The amount of our tax to the Conservators would be, I think, from £150 to £200.

11887. And the balance is to the Urban Council at Ballina?—No; I am talking of the taxation you have to pay. We pay in taxes £900 or £1,000 a year. That goes to the County Council and to the Urban Council of Ballina. The £800 I spoke of is our contribution to the Conservators' expenses, over and above our actual liability.

11888. That is a voluntary contribution?—Yes.

11889. Then, according to the valuation, how much do you pay to the Conservators and how much to the Urban or County Council?

Mr. GARDNER.

11890. The ten per cent. rate?—The ten per cent. rate does not go to the Urban Council. About £100.

Chairman.

11891. The ten per cent. rate comes to about £800?—About £100.

11892. How much do you pay to the County or Urban Council?—I should think about £600 to the two.

11893. Then it is as one to five?—Yes, that is quite right, sir. I have mentioned now the danger to the supply of fish from netting in the upper waters. Now you have before you there, sir, a map which shows the position of the drift nets. These drift nets have only come into being seriously within the last few years, and they have succeeded enormously. I think there are now between forty and fifty of these nets playing along an area of over twenty miles of coast line, and I am personally aware that some of these nets are 1,000 yards long, and one sometimes in front of the other from the coast line. One shoots out and another goes beyond that spot, and then another and another again, extending along the coast within a space of twenty miles, and the result is that these nets operate as an absolute wall. I am not speaking of their capturing, but of their screening power. Undoubtedly the fish are coming on in large schools making for their native river, and they are snared by these drift nets, and driven away in large numbers. They are driven out to sea, and a great number of these fish never

Chairman—continued.

return into the river at all. That is as regards the screening effects of these nets.

11894. Now, is there positive proof of that, that the fish that are snared off do not return?—Oh, it is absolutely certain. As regards the time that the fish remain in the sea, it is impossible for anybody to express an opinion, but I am absolutely certain of this, that if the fish are snared from coming to their native river in the way that I have mentioned, they do not come back to that river in that season.

11895. They go to some other river?—They remain in the sea. There is no reason in the world that I know of why the fish cannot remain two years or three years in the sea. Well, now, as regards the great capturing effect of these nets. The mesh is a large one, and it is specially designed to capture the big fish, and I am a great believer—although I am speaking in the presence of gentlemen of great authority—I am a great believer in the big fish as a spawner. I don't regard the small grilse as of very much value as a spawner. If you kill a heavy fish and open it you will find an enormous pea inside, but if you take a little grilse, a year old grilse, you will find a very small pea inside, and I draw a conclusion from that, that the big fish are the best fish for spawning, and it is the big fish, comparatively speaking, that are taken in these meshes, because it is a wide net, designed to admit the big fish beyond the gills, and the result of it is that an enormous number of very small fish go through; fish under 10 to 34 and 4 lbs go through these meshes, and I have seen them taken in the May in large quantities, and so damaged that you positively could not send them to market except as damaged fish. The back fin are torn off them, and the scales are all rubbed off, and they are covered over with blood welts, and I can compare them to nothing else but diseased fish. I have seen them myself last year in the May when the water was very low in large numbers at the bottom, and you could see from the gills on the fish that they had been through the drift nets. I speak from experience. I have seen boxes of these fish that had been through the drift nets and were taken into my nets, as certainly you could not send them to London or Liverpool except as damaged fish.

11896. Is the mesh of the drift net presented?—The mesh of the drift net is about 4½ or 5 inches.

11897. Is it prescribed by law?—No, it would not suit them to have a smaller mesh, because they would not catch the big fish.

11898. They can have any mesh they like?—It must be over 3½ inches. I had a very prominent gentleman fishing with me one day last year, and he would not believe that there was such damage done by drift nets, but he killed six fish with the fly one day, and five of those fish had been through the nets and were damaged, and now I am sure he is as convinced as I am of the awful injury that is done by these drift nets. The fish themselves that have been through the drift nets fetch an exceedingly low price. When salmon is selling at something like 1s. or 1s. 4d. a lb. in London or Liverpool, these fish that are put into the boxes as damaged fish fetch about 6d. a lb. As regards the protection of this river, we have spent our resources as far as we could in giving the voluntary contribution over and above our liability, but it is absolutely insufficient, even when added to the Conservators' funds; and I am of opinion that we want a further sum of money from some source, and a substantial sum of money, in order to enable the Conservators to employ a better-class bait, and what I mean really by a better-class bait is one who will be better paid. It isn't worth the while of the baits to do their work seriously, having regard to the remuneration they receive at the present time, and I think it ought to be made worth their while, and if you get a good class of bait that would be a matter of great importance; but above and beyond all, the preservation of the tributaries in this district depends, I may say, upon the police. They have rendered invaluable services ever since the present Inspector-General came into power, and we have never asked him for assistance that he has not, when it was possible, given us all that was available at the

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MR. JOHN W. GARNER—continued.

[FORD.]

Chairman—continued.

time, and I regard the police as invaluable in the preservation. I think if we could get fifty police (for I think that number would be required) for six weeks of the year, and that is not a very long period, in the spawning districts that would practically kill poaching in those districts. The poaching work is done in a peculiar way. It is done by moulting. A large number of people assemble with torches, and there is one river that is not very far from here, and if you passed by there in the height of the spawning season, in the month of December, it looks more like a bonfire than anything else with the torches on the river. And this has been going on with impunity. It is looked upon, I think, as a good joke to kill these fish, and the fish are salted down and kept in barrels and used by the people. I don't believe that they seriously intend to do harm, and I don't think they contemplate the amount of injury they are doing, but I am now very hopeful that this state of things will be seriously changed, and that a real sympathy will be created, having regard to this association that is formed on Lough Conn. It is the first time that I have ever seen a move amongst the people to protect the salmon fisheries. Now, I am perfectly satisfied that all the people in the neighbourhood of Lough Conn are determined, so far as they possibly can, to get down poaching, and it has dawned upon them that it is a very wrong thing to kill such a valuable thing as a spawning fish, and they are now directing their attention by every means in their power to put down the poaching in all the tributaries that are connected with Lough Conn and the Upper Moy.

11492. What is the inducement offered to anglers used by the association?—The association themselves are really in a large measure composed of people who are, first of all, interested in angling, and are secondly interested in getting a living by angling, and a great number of people living on the verge of the lake have an interest in this very large lake and get a considerable amount of employment from people who come there to angle, and I think they see that the fishing in the lake must improve tremendously when they preserve it.

11493. There are two or three points I would like to ask you about with regard to your suggestions. You have told of the injury done by drift nets; but is there not a weekly close time for those drift nets?—Yes, sir, but it is not observed.

11494. What I want to draw your attention to is, that that is really two-sevenths of the week?—Yes, sir.

11495. And two-sevenths of the week is really a great deal, if there were no drift nets there?—Yes.

11496. Have you any remedy to suggest for the state of things you have mentioned beyond the providing of money?—No, it all comes to the want of money, and the only remedy in the world for that is to have a steamer. An increase in the number of bullocks is no remedy for that, for these twenty miles of shore can only be guarded by a steamer. You cannot possibly send out bullocks from the shore to detect offenders, and what is really done by the drift nets is, that they go out on Friday night and they fish on Saturday and Sunday, and they don't come in till mid-day on Monday.

11497. They don't come in till mid-day on Monday?—Till mid-day on Monday, and consequently there is no sensible way of checking them except through the medium of a steamer.

11498. Now, as to the length of the drift nets and the number of them?—Well, the length of the drift nets which are used at the present time is 1,000 yards. Mr. Shannon said before 800 yards, but my own impression is that it is 1,000 yards along the coast line, with the exception of places near the estuary, where it is limited to about 400 yards. I pointed before the Commission some time ago to have all drift nets limited to about 400 yards at any stage, but the Department seemed to a certain extent to the chains of the drift-net men, and they allowed 1,000 yards at 800 yards beyond a certain limit from the estuary, and 400 yards within the estuary or within the vicinity of the estuary.

11499. There again, without supervision by sea, you cannot control them; they may move to the shore no matter what limitations may be made. They can

Chairman—continued.

go in and out during fog?—It is all so one when there is supervision at sea, because you cannot enforce it otherwise.

11500. Now the next thing is, how long does that fishing go on?—Well, I should think the only serious periods are from about the 10th of June till about the 25th of July.

11501. They fish about six weeks?—Yes, about six weeks.

11502. A motor boat might do a great deal for you then. Would it be possible to hire a motor boat?—I should think it would be quite possible if we had the cash.

11503. It would not be so expensive as a steamer, and perhaps it would be more satisfactory in some ways?—Well, you see our resources are strained at the present time.

11504. Did it ever strike you that the County Council could give you something?—No, sir; they do not give anything.

11505. But I believe there is an Act of Parliament which contemplates the possibility of such assistance being given?—Yes, they can have representation on the Board of Conservators if they contribute a certain amount.

11506. A halfpenny on the valuation?—Yes, a halfpenny on the valuation.

11507. That never came off?—That never came to anything.

11508. Did it ever strike you that the £600 you pay that goes to the County Council from purely fishery resources, was rather an uneven proportion, when the County Council did not spend anything on the river?—Oh, I think myself that the rivers, as such, are taxed out of all proportion.

11509. They don't spend anything on the river?—No, sir, not a shilling.

11510. That does not look right?—Quite so. We don't get light or any red material, or any benefit at all from them.

11511. And other people are not taxed on anything like such a valuation as you are taxed on, and did you ever put that before them at all in any way?—No, we never did.

11512. Is there any objection to touch it as a delicate subject?—No, sir, I suppose we have submitted to it, we have paid out taxes just as the demand notes came up, and we never got anything from the County Council.

11513. I think, perhaps, it is not generally understood?—Well, it may not be.

11514. You have no advantage, and you have to pay the money?—Oh, indeed, we do, and, as a matter of fact, for the last twenty-five years, but our resources have been so very much strained, that we have contributed our gift to the Conservators out of cost.

11515. Now the third point is as regards application for police assistance. That would be a very heavy draft upon the resources of the police establishment, because that would be to give to the district of the Ballina Conservators, fifty police for six weeks. Mr. Shannon says he thinks twenty would do?—Well, of course, Mr. Shannon is really a better judge than I am.

11516. He knows more about this?—He knows a great deal about it, but this I am prepared to say, that if it were possible we would be willing to contribute generously, even over and above anything we contribute at present, to any extra payment of the police, that might be incurred, provided we got the advantage of it.

11517. What we have here to take into account is, that we are making an inquiry with regard to all the principal rivers of Ireland, and what would be done for the one, would be said for the other, and it would be a very heavy business to give extended police assistance to all the rivers in Ireland?—Of course, the spawning seasons are different in different rivers. Our spawning is particularly late. In most rivers, I think, the spawning season would commence in November, and the great bulk of the spawning would be done in November. The bulk of ours is done in December and January, and if we got the assistance of twenty police during that period it would be very valuable.

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Mr. JOHN W. GARVEY—continued.

[FOLIOES.]

Chairman—continued.

11495. Now, on the subject of the abolition of netting in the fresh water, do you think there should be no netting in the fresh water?—That is my opinion, without saying any hostile word of anybody, and I include myself, for we have just two miles of netting of the fresh water.

11496. One thing I don't quite understand: Before the Act of 1869 there was no run, but you allowed what you thought was a fair amount of fish to go through?—That is so.

11497. You allowed as many to go through as go through now?—Yes, or more.

11498. Why was there no netting then, why didn't the nets commence when the fish got to the upper waters?—Because we only let them up at a late season of the year. They were stopped in the May tidal by the nets. They could not get up, and we then, about a week or a fortnight before the spawning season, allowed the fish to go up, when we thought it was time to allow the fish to run.

11499. Had that any effect upon the fish, as regards their spawning or frequenting the May to spawn at all?—None whatever, because the fish that are going up to spawn, substantially remain in the tidal waters of the May till the first flood in November. They don't go on the tributaries at all till the first flood in November, which is generally about the middle of November, and they are quite happy and at home in the tidal waters and safe there.

Mr. Green.

11500. Did it ever strike you that it would be a good thing to alter the Boards of Conservators in any way

Mr. Green—continued.

that would tend to increase the interest in a river?—Well, that is a question that I had not considered at all. I have not been a member of the Board of Conservators myself. There is one observation that I would like to make before I retire, and it is this, viz., that the anglers upon those tributaries, such as the Deel, are exceedingly anxious that the open season should be extended till about the 10th of October, and they say, and, I believe, very truthfully, that if they were allowed to angle on a river like the Deel up to the 10th of October, it would have an excellent effect in stopping poaching, and I am inclined to think that that is a perfectly genuine statement.

Chairman.

11501. When does the season close in the river?—It closes now on the 15th of September, and I entirely approve now of the suggestion that the season, in all those rivers where there are trout running, should be open till the 10th of October.

11502. The Fishing Association catch trout, not salmon?—Chiefly trout, because there would be no salmon going up so early as even the 10th of October to those tributaries.

Mr. Green.

11503. The Deel is quite a separate river from the May?—Well, of course they want that extended to Lough Conn also. They want the season to be open till the 10th of October, not only on the Deel, but also on Lough Conn and Lough Cullin.

COLONEL CREVELL H. WHITAKER, M.V.O., examined.

Chairman.

11494. You are interested in this Association?—I am here to-day as representing the Lough Conn and Lough Cullin Anglers' Association. This association has only been formed very recently, just a few months ago, and, as you have already been told, in former years there was an association here, but, for some reason or other, it fell through, and several years have elapsed since then, and this year a very strong movement was brought forward to form a new association. I should like to say that that movement emanated in the first instance entirely from people who were interested in the fishing round the lake. I am not a landowner, I have nothing whatever to do with that. As to the river May, of course, I am personally interested in the fishing as a fisherman, but I am only talking now of Lough Conn and Lough Cullin, and a meeting was held in Balina about it and an association was formed with a very powerful committee, which comprised all the leading gentry round here, and all the hotel proprietors who are also interested in it, and in fact it was brought before everyone in the neighbourhood in order to further the object of the association. Well, the association was formed, and we have had many meetings since then, and up to now I am glad to say that it has met with a very great response all round, and every body seems inclined to support it. We are, of course, at present entirely dependent on funds. People have subscribed very, very liberally, and some of the anglers who have come here have given us big subscriptions, and the "Department" told us the other day that they would give us a pound for every two pounds that we subscribed, up to a limit of £25. Well, the result of that will be, that I hope this year we shall be able to ask the full limit of £25. I may say that the object of our association was to take in hand, with the consent of the riparian owners, the preservation of the lake; that is to say, we wish to improve the fishing, which of late years was very much fallen off. We wish to preserve the lake and to improve the trout fishing, so as to bring more people to the district, and benefit those who are connected with the lake in every way. It is easy to see, perhaps, the way in which the fishing has fallen off. We have only to look at the stream where the trout go to spawn, because we all know that

Chairman—continued.

all the trout in these rivers which leave the lake in the spawning season ascend the river, and you have already heard enough here to-day to tell you that poaching is carried on in connection with salmon, and I have proof positive that the same thing exactly is done with the trout. I may say that all our trout from the lake go up principally the river Deel, and out of every twenty that go up hardly one returns. These fish are all taken by the people who live on the banks of the river, they are put in barrels and sold, and they never come back at all. When that goes on it is natural that the stock of trout in the lake must decrease, and they have done so to a great extent. I was speaking to a gentleman who was fishing last year on the lake, and I asked him what he made, and he said: "Some years ago in fishing from a boat on the lake in two hours on that stretch of water I killed a dozen or twenty, and I have fished it now three days, and I have not gone out trout"; and he attributed that, as I think rightly, entirely to the destruction of spawning fish on those streams where they go up to spawn. Well, the salmon and trout go up the Deel, and what we are most anxious to do is, as Mr. Garvey said just now, to get an extension of the season because some of these people who have been deprived of the right of fishing on the river, when the fishing is at its best in the season, are the very people who are killing the fish, and we think that if they are given the privilege of fishing longer in the season, instead of destroying the fish they will act as keepers, and they will preserve the fish. Now, that will not only be a benefit to our association, but it will benefit the Conservators as well, because, naturally, in preserving the trout they will preserve the salmon.

11495. In what season do the trout spawn?—They commence to go up in the first flood any time in October. I am told by some of our landlords who are watching the river now that the river is now full of spawning fish, as full as ever it can be. We have thirteen boats now under our Association, and we have two supervisors, and we direct our attention entirely to the spawning rivers. We know perfectly well that if we can take care of the spawning rivers, we need not bother our heads about a little poaching that might go on in the lake. There is not much now, in fact, nobody poaches on the lake, nobody ever thinks

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COLONEL CHARLES H. WENTAKER, M.V.O.—continued.

[FARFORD.]

Chairman—continued.

of such things as otter-fishing or cross line fishing. We are bold about a net which has been used, I believe, at the mouth of the Deul on one or two occasions. Well, the whole idea and spirit of preservation on Lough Conn now is so strong that if we can get the reasonable assistance that we ask in this extension of the season, I am perfectly certain that it will do more for us than time would do.

11436. Of course, you know that a change in the season is carried out after an inquiry and after an application for that inquiry?—We have made an application for an inquiry to the Board of Agriculture, and we have asked that it might be held at Crossmolina, because we think that by doing so we could bring forth the views of the riparian owners on the banks of these opening rivers, and everyone is saying that if it were held there it would be a great benefit all round.

11437. Have you anything to add on other subjects to what Mr. Garvey said?—Nothing, except one little point that I should like to say a word on, that I think the funds of the Conservators might be very much added to, if there was a little more vigilance exercised in looking after salmon licences. I make that suggestion, and I have reasons for making it, because I think that the necessity of taking out a salmon licence here is not thoroughly understood by visitors. A number of visitors who go to a hotel fish apparently for trout on this lake, and kill trout, and are liable to kill salmon; and I think a great many of the salmon are killed, and things have appeared in the Press, even, about people who kill, and who report to the papers that they killed, a very large trout which, after all, proved to be a salmon late in the season. They go to fish and these licences are not enforced, and I take it that if these were befalls moving about at that time of the year, they would detect a great number of cases in which licences are not taken out.

11438. Are these heavy fish?—The fish that I allude to were reported in the papers. They were afterwards proved, when sent up to the South Kensington Museum, to have been old, red cock salmon, which had been lying in the lake for some months. There is another point which I wish to bring forward, a further way in which the funds of the Conservators could be increased, and that point is, whether if you fish on a lake (and there is a regular custom of fishing on the lake here with two or three rods, trolling out of a boat), whether that person which you pay for one rod ceases the right of using two rods or three rods on the lake from a boat by one person.

11439. You don't pay a licence for trout fishing?—No, not for trout, but I am talking of salmon fishing on the lake, trolling.

11440. But, certainly, every rod, of course, has a licence?—That point was raised the other day, and

Chairman—continued.

I think it is a point that should be settled, for it is either legal or illegal, one or the other. The question is, is it the person or the rod that is licensed?

11441. Well, I suppose a salmon licence for rod fishing means that a man fishes from the bank?—Yes, but I am talking of trolling for salmon from a boat on the lake.

11442. And he cannot fish with three rods from the bank, though he can fish, as you say, with three rods from a boat?—From the boats in the year I discuss there are 250 salmon killed. There were 250 salmon killed last year on the lake on Lough Conn with the rod, trolling. Every one of these boats fishing had out three rods.

Mr. Calderwood.

11443. How many salmon were killed?—About 250 salmon were killed on Lough Conn, from what I could gather. We are obliged to watch very closely to get accurate information.

Chairman.

11444. I think that is a very important point?—That is a point that I bring forward in this way, that it is either legal or illegal, and if it is legal it should be stated on the rod licence, and if not steps should be taken to stop it.

11445. Is it not stated on the rod licence that it is to fish with one rod?—No, only to fish with red and lime.

Mr. Calderwood.

11446. It does not say "rods"?—No, no. At one of our association meetings recently, personally I myself was accused of poaching on the lake, because I had used three rods trolling in that way, and I now bring forward that point, and the very person who brought that accusation, if he were to look nearer to his own house for poaching, perhaps might have less to say, because I don't think he or his son ever took out a licence this last year, at any rate.

Chairman.

11447. Now, so far as the assistance that you are getting on the shores of the lake, and the co-operation which is at present coming into being, are any of these persons tenant purchasers?—There are several tenant purchasers who bought out under the Congested Districts Board or the Estates Commissioners, and all are willing to throw in their lot with our association.

11448. The primary object of our visit here is in connection with the interests of persons who have purchased their holdings, and to whom rights of fishing have been transferred?—I can't speak about the rights, but there is Sir Roger Palmer's estate that has just been sold to the tenant, but I don't know anything about the sporting rights, and Lord Arran's also, though I don't know about the sporting rights there either.

MR. PETER L. PETRIE, continued.

Chairman.

11449. You are interested in the fishing of this river?—Yes, I am, sir.

11450. You fish nets on the fresh water?—Yes.

11451. Now we will ask you to give us your view of it, and how you use these nets, and in the first place by what authority do you fish?—I hold from the riparian owners.

11452. You rent from them?—I rent from the riparian owners. I have written out replies to the questions that were put to me; I thought that was the object of the inquiry.

11453. That is the primary object of our being here. Perhaps you will read the replies?—I will read the replies. Between myself and my brother, Sir Charles Petrie, we hold salmon fisheries, mostly under lease, at Ballycree, Tullaghan, Carravore Lake, Owenmore river, Sligo Fishery, Devenish and Slieve Donagh, with Coleraine, Carragh and Moorbrook, near Fardoe. We buy salmon in the district, and Charles Petrie, as salmon factor, sells them in Liverpool and London. We pay nearly £1,500 rent, and are greatly interested in any measure that would improve the fisheries generally, and increase the supply of salmon. Our

Chairman—continued.

fisheries are mostly worked with boats and drift nets, but we have also bag nets on the coast, and angling at some places. The latter we let off when we can. The first question that is asked is, "What effects the transfer of riparian land to tenant purchasers have had on the fisheries, and how the tenants are using their newly-acquired fishing rights?" So far, tenant purchasers have not acquired any fishing rights abutting any of our fisheries; but at Shramakilla, on the Owenmore river, where I have charge of the protection in the close season, I employ several of the tenant purchasers as water bailiffs. I expected great things from these new fishery owners, but I regret to say that I have been disappointed in the lack of interest they take in preventing poaching. The head-keeper assures me that there is no improvement whatever since they became owners, but rather the reverse. The next question is, "What is best to be done to preserve and develop the fisheries under these new conditions?" It must be remembered that the preservation and development of the fisheries is in the protection in the close season, when salmon ascend the small rivers to spawn. The riparian fish-

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Mr. PETER L. PERRY—continued.

[Forth.]

Chairman—continued.

ing rights on most of the spawning rivers are of no value to purchasing tenants, as no salmon ascend till the close season. In my opinion, to preserve and develop the fisheries, the fishing rights should be reserved, and not conveyed to any purchasing tenant, together with the bed of the river or lake, and two yards wide on each bank, with a right of egress and ingress to the public road. The third is, "What arrangements can be suggested with a view to giving tenant purchasers an interest in preserving and developing the fisheries?" To that I say I am strongly of opinion that to create a great number of riparian owners, each having the right to fish with nets and rod, would in a short time deplete the rivers of salmon and trout and lead to endless confusion, assaults and law suits. To give the tenant purchasers an interest in preserving the fisheries, I can suggest nothing better than to reserve the fishing rights, and vest them in the Congested Districts Board or other fishing authority, pool the proceeds and divide them equally between the tenant purchasers and the Board of Conservators. Fourth, "What part the Board of Conservators could take in this preservation and development, and how far their resources are adequate for the purpose?" I say, the Board of Conservators, which comprises the riparian owners or their representatives, with the owners and lessees of fisheries in the estuaries, is the best authority to preserve and develop the fisheries. Want of sufficient funds is their chief hindrance. I would suggest that the Fishery Branch of the Agricultural and Technical Department make a certain annual grant to each Board of Conservators in proportion to the wages paid to fishermen employed in the capture of salmon on the coast and at the inland fisheries in each district (anglers excluded), each fisherman's wages to be calculated as 12s. weekly; clerks of Conservators to supply the figures. The fifth question is, "How poaching might be more effectively prevented?" To that I say the Boards of Conservators should be provided with sufficient funds to enable them to employ more bailiffs, and pay them better, and in addition to the valuable assistance rendered at present by the Royal Irish Constabulary, there should be two extra police drafted into each baronet adjoining a spawning river, for six weeks in the close season, who would devote their whole time, with the assistance of the water bailiffs, to the protection of the spawning fish, the cost of these extra police to be borne by the Conservators. I don't quite follow Mr. Shannon or Mr. Garvey when they say, all the salmon in the Moy belong to the Moy Fishery Company.

11454. Well, but neither do we think that all the salmon in the Atlantic Ocean belong to the Moy Fishery Company?—Quite so, but they have told you that all the salmon belong to them, or should belong to them, and I don't quite agree with that.

11455. I don't think that that was exactly the way they put it, but that is the way you regard it from your standpoint?—From their own standpoint nobody is to have water open to him.

11456. That is your interpretation of the suggestion that they have made?—Quite so.

11457. But there is another thing to be looked at. Unquestionably, angling by rod and line is a very remunerative thing to the district. It means not only the value of the salmon taken, but it means expenditure by persons who fish for sport?—Quite so, sir.

Chairman—continued.

11458. And possibly if you go into a sporting district with sporting rights, for every 20 lb. salmon or 10 lb. salmon that is of an average value all the year round of £1 or 25s., you would find that the owner of that salmon brought perhaps £2 or £3 into the district. So that you are quite entitled to look at it from that point of view, or from that of a person who has neither a net nor an interest in the river or on the lake and looks at it, as possibly we do, from the general all round aspect?—If there were no salmon but those that were taken by angling, the public would have to pay about a guinea a pound for them.

11459. But you must not lose sight of that other matter, the employment of men, and the service of hotels, and the hire of carts and cars and everything?—I quite understand it. I am a bit of an angler myself.

11460. We in Ireland do not want, living in a confined strait, to be living on each other. We want strangers who have money, too. Then the rights of fishing have not been transferred here, as far as you are concerned?—They are not on any fishery that I hold.

11461. Have you any suggestions to offer?—I have read my suggestions that I have had to offer.

11462. Have you any ideas on the reduction of nets in fresh water?—No, I have not.

11463. Do you approve or disapprove of it?—Oh, I approve of it, to a limited extent. I think the salmon might as well be taken in the fresh water as in the tide-way.

11464. Do you regard the sea, then, as the natural fishing place for commercial purposes?—Witness.—The sea?

11465. Yes?—Well, I should think I do, in a way; both the sea and the inland waters, to a certain extent, so long as it does not go into a spawning river. In a large river like the Moy I say that netting in fresh water is quite legitimate, and especially with the large weekly close season that there is at present.

Mr. Green.

11466. Is not the Owenduff a river in which tenant-farmers have acquired fishing rights?—In one lot, about two miles long, the upper part of it.

11467. Have they let that for angling?—Yes, a few lots.

11468. Have you any idea of the rent they get?—There is one tenant who gets £7 and another gets £3.

11469. And do you know the rent of the holding of the man that gets the £7?—His rent is about 19s., and that includes grossing shopping, too.

11470. So that these men have done well?—They have done right well.

11471. And what arrangement have you made with them about their fishing rights?—Oh, I have not made any arrangements. I only protect the thing in the close season. I employ them as water bailiffs in the close season.

11472. That is for your interest?—Yes.

11473. The £7 includes grossing shooting and a mile of salmon fishing?—Yes, and all his rent is 19s.

11474. You are not interested in the drift nets yourself?—Well, more or less. We buy all the salmon that we can get, and I am interested in all sorts of nets.

Mr. E. G. FRY KNOX-GORE, examined.

Chairman.

11475. I presume you are a fisherman?—Yes.

11476. And interested in fishing?—Yes, sir.

11477. Now, you know the object of our being here?—I am aware of it.

11478. Would you kindly give us any information or suggestions that you think would be of assistance to us, just in your own way?—Thank you. Well, the witnesses who have gone immediately before me have covered the ground very thoroughly, and I don't think I can supplement the direct evidence in any manner. I am the Chairman, as a rule, of the Board of Con-

Chairman—continued.

servators, and two of our members have given you, what I hope, you will find very valuable evidence, sir; but there is just this that you have heard—I won't altogether call it putman views, but you have heard views that have been more or less coloured by the surrounding conditions of the interests under which these gentlemen are employed. As Chairman of that Board I have been more or less acting in the capacity which you so honourably fill yourself at this moment, sir, and seeing fair play between them, and as far as the conflicting interests are concerned, of which there

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Mr. E. G. PARR KNOT-GOON—continued.

[FOURTH.]

Chairman—continued.

have been three mentioned, they are individually, as you know, somewhat antagonistic; that is to say, there is the sea fishers' point of view, there is the inland water fishers' point of view, and there is the upper water fishers' point of view. Each one would, figuratively speaking, cut the throat of the other, but all the time we are all the best friends. If we are to look at this matter from the broadest point of view (I am speaking now, of course, as Chairman of the Conservators) we must consider the protection of the fish. I am going to state something of an anachronism, and I am going to say that the man who kills the most fish is at once our greatest enemy and our greatest benefactor. He is the greatest enemy to the fish because he kills most of them. From my own point of view it matters little whether the fish is killed in the Atlantic Ocean—or, as some of your experts, of whom I see the greatest in the world beside you, perhaps, will be able to tell you—on the coast of Norway or in Iceland, it matters very little to us whether they are killed in the tidal waters of the May or in Lough Conn, so that they are killed. It matters little in that respect. It matters to us, as Conservators, in another respect, that the man who kills the most fish in that event especially pays the most money towards the protection, and if it were not for that large amount of money applied towards protection, I opine that we should have no fish to be killed by anybody, that is, that poaching would be so rife on the upper waters of the May and its tributaries that none would return. Possibly I have odd-fish-boned ideas about this fishing. The effort to protect fish when spawning would be of very little use if they were to be stepped at all events on their first ascent, and in that case we should have no fish at all left to spawn. There have been various means proposed, many of them very good, for coming near the fish, from the Conservators' point of view. As a Board of Conservators, I don't believe that we can do more than we are doing with the present means that we have of obtaining money. You have had many valuable suggestions as to further means both from my friend Mr. Garvey, and Mr. Petrie and Mr. George Shannon, one of them is a very eminent lawyer and a great authority on the fishery laws, and the two others are, one the manager and the other the lessee of fisheries, and very important fisheries, and they have very long experience; but if I may be allowed to suggest it, I think that we must get more power, we cannot go on as we are now unless we have more powers of raising money by some means. It is little matter where the fish is killed so long as he is killed, and I won't go into the merits of taking some of the fresh water altogether, and it would seem to me rather unfair that one class of fishing should be upheld to the exclusion of all others. At the same time if it is absolutely necessary and agreed to by experts that it is for the benefit of the future of the fishery, very few people, I should think, would say anything against it on being fairly compensated for their loss. I don't think I can add much more, sir, and as regards the question of the chief cause of your inquiry here, that is the passing of the present existing fishery rights to tenant-purchasers, I don't think that I can give you, or that there is, in fact, any direct evidence which can be given in this district at the present time. There are some properties which have already passed to the tenant purchasers either through direct sale or through sales of the Estates Commissioners, or through sales of the Congested Districts Board. As you are now aware, no doubt, sir, in future (I speak open to correction) all sales must be made through the Congested Districts Board, and many properties in this country have been offered for sale, and are in fact on offer at the present time, but no instance has come to my knowledge in which a tenant purchaser has had the right of fishing handed over direct into his own hands. Well, this is, of course, with your permission, sir, and if my opinion can be of any use to you, this leads me to looking into the future, and I don't know whether you would value my views of the future. I have formed some views as to the future of fish, but it may be irrelevant to this inquiry.

11479 Oh, no, I think it would be very valuable, and we should like very much to hear what you wish

Chairman—continued.

to say?—Well, I look forward to the future of this country when the tenant proprietors will have acquired all the interests now held by the class that are generally known as landlords, except in very few instances, perhaps. These proprietors now that are by far the majority of proprietors are all offered for sale. In course of time, of course, most of the fishing rights will, I presume, pass to the Congested Districts Board, or very many of them in many cases. Well, I do not for one moment suggest that where a property has been sold to the tenant the fishing and sporting rights (I think the fishing rights can be included in the sporting rights, although some of them are commercial rights)—I do not for one moment wish that the purchasers should be at any loss, but it is my opinion that if those rights pass indiscriminately to a large number of small owners it would be impossible to preserve the future state of the fishing. To give an illustration (if I may detain you by giving you an imaginary picture), take a bit of a river, of any river where there are salmon, and take the salmon as being the most valuable of our food fishes. Take the fresh water of a river, and we will suppose that A holds land adjoining a bit of fresh water fishing on the left bank of the river, and that B holds land adjoining a bit on the right bank, and C holds it further up, perhaps on both sides, how can we suppose that there will be anything but friction between those, all adjoining each other, and all exercising their perfectly legal right to fish in a legal manner at that place? I maintain, sir, that if you multiply these A, B, C and D, by several hundreds, you increase your difficulties far more, and you increase your difficulties to such a manifold degree that it would be practically impossible to supervise or take care of the interests of the fishing, and I think that such indiscriminate fishing would in a very short time have the effect of killing off all the migratory fish in the river. There is another question that goes further, that is the question of the lakes, and the spawning question is another. I maintain that we could not at all protect the fish in Ireland in the future if such a state of things occurs as I have stated. I don't wish for one instant to suggest that it will, and I hope that those people who will eventually become the owners of the fishing will be the best keepers we could have on a fishing; but you must give them an interest in it, you must make it worth their while. At the present moment many of them are obtaining a right under this legislation which they never possessed before. These tenant purchasers along a river never had any right, they did not pay for it, they paid for the land and they did not pay for any fishery. It is proposed in the sale that these rights should be handed over to them, and if they had been bargained for and offered for in the sale, that is a matter between the Congested Districts Board and the present owner of the property to be transferred. It is supposed that they will have obtained the right by payment, and therefore when they have obtained the right by payment they cannot be deprived of that right, or should not be deprived of it, but as I pointed out, an impossible state of affairs would exist if everybody could indiscriminately exercise their rights. I am about to propose, as a way out of the difficulty, as a panacea for this possible evil, that the purchasing body (the Congested Districts Board, we will take it in this case) should reserve the fisheries and work the fisheries in any manner that they consider best to the benefit of the present proprietors. I cannot think of any better means. My friend Mr. Petrie gave you some suggestions in a far better manner than I have done, but I don't know whether they would be entitled to stop a certain amount out of the proceeds of the fisheries for the purpose of protection by the Board of Conservators, or some other body, perhaps, if it was appointed. I don't know whether they would be entitled to stop that out of it, but if it could be done it would be a very valuable assistance to the Conservators. Now, sir, I think I can't assist you any further. I have stated my views as far as they have occurred to me, and I am quite open to answer any questions, if I am able, that you wish to put.

11480 I think your suggestion is as to what might be done by the Congested Districts Board or the Estates

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Mr. E. G. FRY KNOT-GORE—continued.

[FORDON.]

Chairman.

Commissioners?—Yes. May I add one word further. Of course, it is a matter of detail to be settled by a higher authority than I am. The Department of Agriculture have experts—they have experts of their own, and they would possibly be the right people to do it, but inasmuch as the ownership upon transfer of the lands and fisheries will be vested in the Congested Districts Board, I suggest that they should have the distribution and the management of the fisheries for that reason. The Congested

Chairman—continued.

Districts Board, I suppose, is not a permanency. When their work is done, I hope the time will come when there will be no such word as congestion in the sense in which it is used now, and then the Department of Agriculture will have their experts to work it. I hope we will be spared our experts in the fishery department for many long years.

Chairman.

I think your suggestions are very valuable.

Chairman.

11481. You are Secretary of the Loughs Conn and Cullin Fishing Association?—Yes, sir.

11482. Now you have heard the evidence that has been already given?—Yes.

11483. And we don't want you to go into what has already been put before us, but if you can give us any further information we shall be glad to have it? Well, the Association was formed, sir, with the object of getting all the people in and around the lake to preserve, to give an interest to everybody. It was really the smaller people all round the lake that started the Association first, and this could not be carried on without getting all the riparian owners and the gentry to support it. The real object of the Association was that if at any time the present proprietors did get the fishing rights, they would band together and this Association would preserve the lake and the tributaries. That was the real object of the Association. At present we have about thirteen bailiffs as Colonel Whitaker has already told you, and we are trying to join hands with the Conservators, and to get them to assist us, and they have kindly promised to do so, that is, for the winter watching.

11484. Those bailiffs are mainly engaged, I presume, to watch the tributaries where the trout go up to spawn?—Yes.

11485. Have you anything to add to what has been already stated by Colonel Whitaker—you heard his evidence, and he gave us his evidence very fully?—

Chairman—continued.

No. I have nothing to add to what has been already stated.

Mr. Calderwood.

11486. Do you think that in the event of tenant purchasers having lands on a lake, such as Lough Conn and the other, it would be possible for them to join such an Association as you have?—I think so. It is the only thing. Everybody could join.

11487. What are the conditions under which the membership is obtained?—They subscribe as they like.

11488. Is it a voluntary subscription?—Yes.

11489. So that it is within the reach of every person?—Yes, sir, anybody who subscribes will be a member of the Association.

11490. And your Association not only runs the lake, but the rivers above?—Loughs Conn and Cullin, but if we preserve the small rivers our bailiffs could do the small river joining Lough Conn and Lough Cullin.

11491. You preserve certain streams which come into the lake, and which are of value as spawning areas?—Yes.

11492. Therefore, you think that if the tenant purchasers could be induced to see that their interest lies in joining such an Association as yours, it might do something in the way of preserving the spawning fish on those higher tributaries?—It would, certainly.

Mr. Green.

11493. Do you mean the Deel?—Yes.

Mr. BERNARD BROWNE, examined.

Chairman.

11494. You are the Assistant Secretary of this Association?—Yes, and I may say that I am the promoter also of the Association.

11495. Now, you have heard the evidence that has been given with regard to the Association and its objects?—Yes, sir.

11496. And the work it is doing?—Yes, sir.

11497. Will you give us any further information now without going over what has been gone over already, and if there is anything else that you would like to say we should be glad to hear it?—I would like all the tenants round the lake to be members of it, and in fact along the river too, and all take it up and have a willing hand in it.

11498. That is what you would like to see?—Yes.

11499. Is there any considerable progress being made in that direction at present?—Yes. A lot of the tenants came together, and they appointed their men on the committee, men to represent them, and on one estate there are tenant purchasers. There are about six bailiffs, while there are four men on the committee; and people are taking it up and it is spreading all over, and I am sure in a few years time there will be a great difference in Lough Conn and the tributaries, and I think that on the spawning rivers there should be something done for the tenants by the Congested Districts Board. It depends on the Congested Districts Board what they will do for the poor people round the lake and on the rivers, to get a further reduction where there is a spawning river running into the lake, and also round the lake, it would be a good thing if they would help the poor tenants to buy boats; and, as you said a while ago, a great deal of money is brought by these anglers that come to the lake, and even into this town of

Chairman—continued.

Foxford, for they come and patronise the mills here and bring home with them when they come. And then again, the association means to take up a whole lot of other things, and we will try in every way we can to put down poachers, and when the Board's Inspectors come down they will get something to do from the people. A lot of the poachers are migratory labourers, and we want to keep them at home now and to get them something to do at home in their own country.

Mr. Green.

11500. Are you a tenant purchaser yourself?—My father is. Well, he is not exactly a tenant purchaser, but he has gone into the lands of the Congested Districts Board and they are very slow in coming down.

Mr. Calderwood.

11501. I should like to hear from you about the manner in which the tenant purchasers were put on the committee as representatives?—Well, we had a public meeting when it was first formed, and then the tenants appointed a committee. We are only in the beginning now, but in a short time we will have all the tenants discussing the whole thing.

11502. But on what basis were these men selected, was it simply because they were a sensible sort of men, or was there any other kind of qualification?—Well, the tenants, of course, take an interest in the matter, and they would like to see a lot of anglers coming round, and they would like to see it improved and preserved and developed; so much could be done about the development question. There are a lot of oaks, pines, otters, and other pests in the lakes, and we would like

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Mr. BERNARD BROWN—continued.

[Forsman.]

Mr. Calderwood—continued.

an expert from the Technical Department to come and tell us what is right about it.

11503. What number is represented by tenant purchasers?—There are about twenty or thirty. They appointed four of their number on the committee.

11504. And then the committee appointed representatives on the association?—They are the representatives on the association; this committee are on the association; they are the committee of the association that was formed by the tenants round.

11505. And the men who framed that were already members of the association?—For instance, they appointed Father Quinn and the Reverend Mr. Nash also to represent them, and Colonel Whitaker and others interested in the lake.

Mr. Calderwood—continued.

11506. Father Quinn and Mr. Nash are not tenant purchasers?—No.

11507. So that these representatives are not men of their own class?—No, but a good many of them are on the committee, too; a lot of the tenants are in the association, too.

Mr. Green.

11508. All round the lake and on the river?—Yes, and all pulling together, and on this estate that has been sold we have three men on the committee now to represent the tenants.

Chairman.

11509. What estate is that?—Lord Ararat's.

Mr. WILLIAM NIXON, examined.

Chairman.

11510. You are Clerk to the Bangor Board of Conservators at Newport?—Yes.

11511. Now, would you tell us the extent of the jurisdiction of that Board?—From Pigeon Point to Berrys Head in North Mayo.

11512. That includes Clew Bay and part of Blackhead Bay?—Clew Bay and part of Blackhead Bay.

11513. And Keshaven?—Yes.

11514. Now, what rivers are included in that district?—The Glenties, Owenmore, Owenduff, Ballyreary, Owenduff, Newport and Berrishole.

11515. Are these all fishable rivers?—All fishable rivers.

11516. Are they netted or angled or both?—Both.

11517. How many elected Conservators have you?—Six elected Conservators.

11518. And how many ex-officio?—Six ex-officio.

11519. That is twelve altogether?—Yes.

11520. Have you any estuary fishing, or do the rivers run almost without broadening into the sea?—No, Tullaghan Bay is the only place.

11521. What is the extent of the estuary there?—I think it would be three or four miles there.

11522. The length of the tidal waters would be three or four miles?—Yes, sir.

11523. Is there not fishing there?—Yes.

11524. And I suppose there are drift nets along the coast?—There are, sir, but there has been a great falling off in the number of drift nets fishing now compared to what there was five years ago.

11525. To what do you attribute the falling off?—Scarcely of fish, sir, I presume; and also in bag nets. In 1906 there were 14 bag nets; in 1907, 13; 1908, 10; 1909, 12; 1910, 9; 1911, 8. That is all bag nets. Now, I may mention that all these are shifted. The owner, Mr. Hecker, has offered all his boats and fishing material for sale, and he got no bidder, and he has transferred them all to Scotland, with the exception of two nets for the Achill Coast Fishery.

Mr. Calderwood.

11526. He is a Scotchman?—Yes, sir. In 1906 there were 20 drift nets; 1907, 19; 1908, 12; 1909, 8; 1910, 9; 1911, 8.

Mr. Green.

11527. Then the drift nets are going down also?—Yes.

11528. Where are those drift nets, are they at Belmullet?—Yes, at Belmullet.

Chairman.

11529. Where do you live?—Ballina.

11530. Are you interested in fishing?—Yes, I am as angler, of the district of Ballina.

11531. Will you tell the Committee here how you are interested, and will you give us any suggestions or any information that you think would be useful, for instance, have you any information to afford with regard to tenants who have purchased, and who have had transferred to them fishing rights?—Well, as an

Chairman.

11532. Have you the particulars of the income derived by the Conservators?—The receipts for all licences sold, rods included, were in 1906, £324; 1907, £313; 1908, £261; 1909, £299; 1910, £220; 1911, £221.

11533. Then the number of licences is going down?—But it is confined to the net licences.

11534. Then as to rods?—Rods are not going down; they are on the increase if any.

11535. What rivers are principally fished by rods?—The Owenmore, the Owenduff, the Glenties, the Newport, the Berrishole, and the Owenduff.

11536. Was last season a good or bad one for angling?—Bad.

11537. What would a fortunate fisherman kill there in a day?—On the Owenmore and Owenduff a man would kill four or five salmon a day. It is not so good on the Berrishole or Newport for salmon fishing, but good for trout fishing.

11538. In this district have many of the estates passed to the tenants?—None, sir, except in those two cases that you have already heard from Mr. Petrie, two ones on the Owenmore river. They are the only cases in my part of the Bangor district.

11539. Who were the landlords of those estates?—Of those particular estates that were sold, I don't know. I don't give you the particulars, but there are only two cases.

[Mr. Percy Kessell-Gore.—I think one of those properties passed a considerable time ago.]

Mr. Petrie.—It belonged to O'Reilly Deane, who left it to the Chancellor of the Exchequer.]

Chairman.

11540. Now, have you any suggestions to make to this Committee?—The only suggestion I have to make is, that it is my opinion that the licence should be doubled or trebled on drift nets. A man with a drift net only pays £3 licence duty, while the others pay £3 for their small nets; and then there is the cost of protection of the fish, to which the drift net man contributes nothing but the licence duty.

11541. They pay no tax?—No tax whatever, sir.

11542. And the other man, you say, pays not only the licence duty but pays on the value of his fishing?—He does, and he has to pay water bailiffs at his own expense, in addition to the water bailiffs appointed by the Board of Conservators.

Mr. JOHN MONTAGU, examined.

Chairman—continued.

11543. Now, have you anything from yourself that is fresh, that you think would be useful to us?—As regards the development of the fishing in Lough Conn and the Ballina district in general, I think it would be well, if it was possible, to visit the rights of

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MR. JOHN MONTAGU—continued.

[FOLKLORE.]

Chairman—continued.

the riparian owner or landlord or tenant in the association, and I am sure it would be most beneficial to all concerned, for this reason, that several years ago, about twenty years ago, in my recollection there was a bye-law, but it was not enforced previous to that, and your last question (Number 5) says: "What would be the best thing to develop the fishing and prevent poaching?" Well, I might add a word on that. I think the enforcing of the bye-law preventing legitimate angling on the Moy, the lake or the Deel, after the 15th of September, is a case of poaching. Now, on the Deel, for instance, before the 15th of September, there is hardly any water in it, and on the lake there is no fishing for trout before the 15th of September.

11544. Now, are you speaking in support of the extension of the season to the 15th of October?—Yes, after the 15th of September. I know, as an angler, that anglers are deprived of the rights of fishing when there are any fish in the river, and they then develop into poachers, and I am in favour of having the time for rod fishing for trout on the Deel river extended from the 15th of September to the middle of October, for this reason, that the anglers will not be disturbing the fish when they are actually spawning, and I, as an angler and also as a member of the Committee of the Lough Conn Anglers' Association, know that it would be in the interests of all concerned, and the public in general, to have the open season on the Deel extended, say, to the 15th or 20th of October, instead of the 15th of September.

11545. You know the process that has to be gone through for that, and that an application must be made to the fishery branch of the Department of Agriculture, and that they must hold an inquiry before they can extend the period?—I understood from our vice-president that that has been done.

11546. Now, is there anything else that you have to suggest?—Well, there is, in connection with netting in general. I believe, as an angler, that it is most detrimental to the interests of the trout, and that those who monopolise the Moy and the salmon fishing have been fighting against themselves when they prevented legitimate angling on this river. If angling was permitted with a reasonable day's fine along with the licence, I am sure that there would not be one-fifth of the poaching done on the river Moy from the sea to the top of the river—if anglers were allowed to fish on every part of it.

11547. That is if there was trout fishing?—With a fine.

11548. With a payment for a day's fishing?—With

Chairman—continued.

a payment to the riparian owner, landlord or tenant, or whoever they may be, for a day's fishing or a month's fishing. I know that it is most detrimental to the interests of the district that this angling has been prevented, because before it was prevented, say twenty years ago, there were twenty salmon passing for the one there is in the river now; and it is detrimental to the district of Ballina and to the towns of Fecod and Swiford, because gentlemen from England and outside districts have been prevented from coming, and they don't come, and those men that were living by angling have turned out to be poachers. Last summer alone I could see a dozen, not merely one man, from the district of Ballina poaching salmon in season, while I know that if angling was allowed I wouldn't see one, because every interest here is looking forward to the protection of the fish and to the interests of the district, as far as angling is concerned.

11549. Is there anything else you would like to tell us?—Well, just another word, as far as riparian ownership goes, whether landlord or tenant. As an interested member, and in the interests of fishing, which means charity at home above all, I believe it would not be right to vest the fishing rights in any individual, either landlord or tenant, but I think they should be vested in a body comprising all interests of the district, and that would be such a body as the Committee of the Anglers' Association, and if that could be possibly done, I am sure that the public in general would derive great benefit from it. The poorer people about the place have lost heavily by the enforcing of the bye-law. They are coming forward now, and time has proved that the enforcing of this bye-law has reduced the fish nearly a hundredfold. There are hardly any fish now to spawn, and on account of this bye-law they have turned out to be poachers when the fish are actually spawning.

11550. You see that is not our business here, but you have told us all about the extension of time. Is there anything else bearing on what we are inquiring into here?—Well, the last question is "How poaching might be more effectively prevented."

11551. Well, you have told us one thing, and that is to extend the season, and the men who are poaching now would fish; and also that if rod and line fishing was encouraged that likewise would put down poaching. Have you any other suggestions for the prevention of poaching?—That would be about all, and to have the Conservators co-operating with the Committee for protection, and I know that voluntarily we can collect a great sum from the tenants for the association and for the protection of the spawning fish, if that is done.

MR. ARTHUR TALENT DEAN, continued.

Chairman.

11552. You are a member of the Banger Board of Conservators?—Yes, sir.

11553. And we have heard from your Secretary the name of your jurisdiction?—Yes, sir, very correctly.

11554. And we also heard from him that the number of nets had diminished, and that the number of fish caught was not so large as formerly?—No, not so large as it used to be.

11555. Now, you heard the evidence of your Secretary?—I did, sir.

11556. Can you add anything to that, and will you let us know what your ideas are on your suggestions?—The subject has been so fully gone into by preceding witnesses that there is very little to be said. When I received the circular from your Secretary I went into it as briefly as possible, and, with your permission, I will read what I have written. On point No. 1, referred to in the circular of November 18th, no riparian lands having, to my knowledge, yet passed to tenant purchasers in this district, there is no evidence as to users of newly-acquired fishing rights. On point No. 2, I say prospectively, having regard to the circumstances anticipated in point 1, I believe each defined salmon river should be kept as a distinct and separate property for the purpose of preservation and development. On point No. 3, I make a suggestion

Chairman—continued.

that each defined salmon river might be worked separately as a sub-fishery district by a Committee or Board formed out of representatives of the several interests concerned, namely, the Department by nomination, one or two, the Board of Conservators (two) and by elected representatives of tenant purchasers, riparian owners (two). On point No. 4, under present circumstances the Board of Conservators are unable to take a sufficiently effective part in preservation and development owing to lack of funds. On point No. 5, as to how poaching might be more effectively prevented, I say, taking for instance the Banger 108 district, the funds are at present inadequate but might be increased as follows:—All license duty on nets and on all fishing engines (save rod and line) to be doubled, all owners and lessees, etc., of fishing rights to contribute to the funds of the Board of Conservators an annual rate of ten per cent. to fifteen per cent. on the valuation of their property in the fishery (wild or riparian), irrespective of license duty paid.

11557. Then that would be the present assessment of ten per cent.?—Well, of course, I would give no credit for the license duty paid. The Department should contribute annually a sum equal to the aggregate amount of the rate paid by the owners. By this means the Board of Conservators should have

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MR. ARTHUR TALBOT O'HARA—continued.

[Fortham.]

Chairman—continued.

sufficient funds to carry out an all-the-year-round scheme of preservation by independent, well-paid men.

11568. Do you get anything from the Department at present?—We get, I think, about £15 a year, and a small sum of £5 or £6 is contributed privately.

11569. The principle on which the Department have generously contributed is that where voluntary subscriptions are made, the Department would then give something?—Yes. As to the tenant purchasers' interests, a new valuation of the several portions of the property, river or lake, to be made, having due regard to the value of spawning beds and shallows likely to become such by improvement, as well as pools or deep pastures, fishing ground. The fishing, angling to be let in sections or reaches, according to circumstances, by or for the river or sub-district Committee, and the net proceeds allocated pro rata amongst the several owners. No setting in the fresh water portion of rivers or lakes except by special authority or existing rights. No setting to be increased, and riparian owners not to be allowed to act. To allow a salmon river to fall into the hands of small riparian owners, each having absolute control over his own petty portion, some portions including fishing ground and no spawning beds, and others not would mean the destruction of the fish and eventual extinction of the salmon. The difficulty of supervision as regards licence duty, weekly close season, and defined boundaries in the case of drift nets, trawlers, or other deep-sea engines, is so great and beyond the means at the disposal of the Boards of Conservators that it should be a matter coming under State control in the interests of salmon fisheries generally as a national asset. That I wrote out, sir, in reply to the queries in this circular

Chairman—continued.

from you, and everything else has been as minutely gone into by other witnesses that I don't think I can add anything to what they have said.

11570. Your suggestion is very much that each river should be governed by a small local Committee?—A Committee. Of course such a huge one as the Moy Fishery would scarcely come into that.

11571. But you mean that where such a system is at all applicable you would carry it into effect by dealing with each river individually?—Yes.

11572. And that nothing should be absolutely stopped?—Yes, that is my idea. My chief knowledge is derived from the Ballycroy or Owenduff river, and I represent the owner for three or four miles of the principal part of the river. That property has been offered to the Congested Districts Board, and if it is split up into 2500 lots, each man owning perhaps half a pool on one side of the river, with no scheme of general protection, my belief is that the river would become destroyed.

11573. By having a local Committee all people would get a benefit and the river would be protected?—The spawning beds would be protected also.

11574. Now, if you had a river, such as you speak of, and there were thirty tenants, riparian owners, and three of them had a part of the river which might be let, you would divide the money that might be got over the whole district?—I would divide it according to the valuation of the river, the river being valued beforehand and a value put on the spawning beds.

11575. Then you would give a man an interest in protecting the spawning beds, though he might not have any angling?—I say that the owner of the spawning beds should have a share in the profits of the river.

MR. E. THOMAS O'DONNELL, continued.

Chairman.

11576. Are you a Conservator?—Yes, I am.

11577. Of what district?—Of the Bangor District.

11578. Now perhaps you will give us any information or suggestions that you think would be of use to us?—Well, sir, I have sent this reply to the circular that I got from your Secretary, and I will read it. In reply to No. 1, as to how far the transfer of land to tenant purchasers has affected the fisheries, I have written that as far as I know the transfer of riparian lands to tenant purchasers in the Bangor district has not affected the fisheries, as the fishery rights have not been transferred to the tenant purchasers. Well, since I came here I heard from Mr. Petrie, in the course of his evidence, of one one, the O'Reilly Deesse property. I was not aware that that had occurred in our Bangor district, but I heard what he said, and so I need not go into that.

11579. That is the Congested Districts Board?—Yes, they transferred the rights to the tenants. My answer to No. 2 is the same as the answer to No. 1 that I have read already. To No. 3 I say that in the event of tenant purchasers of riparian lands acquiring the fishing rights of a river or lake, I would suggest that if such rights be rented from the tenant purchasers, a price should be paid for each fish killed on the waters belonging to each tenant purchaser. During the close season those tenant purchasers might be employed as water-keepers by the Boards of Conservators. By these means the tenant purchasers would be more likely to take an interest in the preservation of fish. To No. 4 I say, that if the Boards of Conservators have sufficient resources they could pay these tenant purchasers their wages for protecting the fish during the close season. As far as the Bangor Board is concerned, they have not sufficient funds to pay the wages of water-keepers during the close season, with the result that the owners of the fisheries have to largely supplement the funds reserved from the Board. We have a resolution to that effect which was passed in October, and I can give it to you. We have it in print, and we sent it to the Fishery Board asking for funds to help us.

11580. That is the Department of Agriculture?—The Department of Agriculture.

Chairman—continued.

11581. Well we are scarcely here for this?—

To No. 5 I say the tenant purchasers for their own interests would most likely be the best persons to effectually prevent poaching. One most important point that I wish to bring under the notice of the Fisheries Committee is the drift nets which have been in operation on the coast of Mayo for a number of years past. These nets fish anywhere up to the mile limit of the mouth of a river. Each net only pays a licence duty of £3, and they contribute nothing towards the preservation of fish in the fresh waters, nor do they pay rent or taxes, which have to be paid by the owners or tenants of the fresh waters. Not alone do these drift nets capture a large quantity of salmon, but they frighten the shoals coming along the coast, thus preventing the fish entering the rivers. I have caught salmon in my drift nets in the Newport river, which had marks of these drift nets cut into them during their struggle to get free. Unless some restriction is put on these nets, I fear the hope of developing the fisheries is very remote, if not impossible. I also wish to mention that in the case of illegal fishing or poaching, where a conviction has been obtained and a fine imposed, the decision of the Court should not be interfered with by the superior authorities, as has been done in many cases throughout Ireland. I think, sir, that is all I have to say.

11582. One suggestion you have made I don't think we have had before. You would propose to excite the interests of the tenant purchaser in the preservation of the fish by giving him what is called fish money?—I think so. I think that is the only way that you could arrive at it.

11583. Unless his stretch of the river was a very small one it would be very difficult?—Well, it has been suggested by some of the other witnesses here that the money should be all pooled and divided between them, and perhaps that would be the better way, and I dare say it would, so that the people who own the spawning portion of the river should get the benefit of the angling property.

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MR. E. THOMAS O'DONNELL—continued.

[Forthwith.]

Mr. Green.

11574. And then each man would get the same as another?—Each must get the same as another because they are on the same river. I asked Mr. Hector, who was the owner of the bag nets off Ashill, to attend here. I saw him last month, and he has given up the bag nets, but still, I hear, he has retained one or two. Since I saw him I wrote to him and asked him to attend here, and I got a letter from him which, with your permission, I will read. He said he was very sorry that he could not come through other engagements.—“Can you not make use of my name and say that you have it from me that I have abandoned station after station, and attribute the succession of disastrous seasons to the drift net fishing. I would not have abandoned those stations if I thought the failure due to natural causes, because, in that case, matters would have righted themselves in time.”

Chairman.

11575. What are the causes?—The drift nets. He says:—“Then, when the Fishery Board authorized this drift net business, it is bolstered up and supported by English seamen, who have no interest in the country, and set doing so good for themselves, and might yet drop the business as being unprofitable. It is a very doubtful enterprise when the inland fisheries are to be ruined.” That is written from Herefordshire, England, where he is, and, as I have told you, sir, he told me himself that he is giving up all the fishing. He had given them up when I saw him last month, but I believe he has arranged to take two nets, one from Mrs. Pike, and the other from Mrs. Pery Knox-Gore.

DR. JOHN CLEARY, examined.

Chairman.

11576. What district do you represent?—Ballynary.
11577. Ballynary is the district in which you have an interest. Is that in the district of the Bangor Conservators?—Yes.

11578. Now, you have lost the evidence, of course, given by other witnesses of that district?—Yes.

11579. Will you tell us now anything that you think might assist us?—The only thing I can say as way of supplementing the evidence already given, is that there should be an all round new licence duty; to make the rod licence £5 instead of £1, and I think, for my own part, I would be satisfied to pay the game licence rate. I don't see why, if a person pays £8 for a game licence, he should pay only £1 for the privilege of killing salmon.

11580. And there should be a proportionate increase in the licences paid by outside visiting, that is, the drift nets?—Yes; they pay no rates or taxes.

11581. And their licence should be proportionately increased?—Yes.

Chairman—continued.

11582. Anything else?—Nothing else, except that I don't think there would be any harm done by the continuance of the fishing in the river to tenants, if there could be a committee formed. That would be the whole thing, if there could be a local committee formed. But I think it is rather a mistake to have sporting rights, or, well, we will say, fishing rights, vested in a Board like the Congested Districts Board on the Bellingham Estate in Ballynary, because I want to make this clear, that they are carrying on, for the last five years, a sporting tenancy on the Bellingham estate, near Ballynary, and I think it is a great loss to the estate, and that shows that it is rather a mistake. I want to make that very clear, now. I should say it is a loss of £100 a year for the last five years.

11583. Is there any other matter?—That is all, and I think it would be better that any sporting rights should be carried out through the local committee, because otherwise there may be a serious loss.

MR. PATRICK HEALY, examined.

Chairman.

11584. What district do you come from?—From Portloman district.

11585. Can you just put, in a few words, what information you wish to give us?—Yes. At a meeting of the Lough Conn Preservation Association, the last meeting, they urged very strongly to have the close season for salmon and trout advanced on to the middle of October, and they stated they would not believe that all the large trout go up to the Deaf river by the end of September. When the trout are returning they are destroyed, and gentlemen coming to Ireland have no fishing to get after the 13th of September. These visitors go to the other lakes in Galway and

Chairman—continued.

elsewhere, Lough Mask and Lough Corrib, and they can get sufficient there up to the middle of October. Hence we are very anxious that the season should be extended on these lakes here.

11586. We have heard that from several witnesses, but that is not a matter that we have to deal with here at all; that is a matter for the Fishery Branch of the Department of Agriculture. Is there anything else?—Except on that subject, that it would be convenient to have the month of February added to the close season, to counterbalance the subtraction of the other month. It would do no harm.

11587. Now, that is your suggestion?—Yes.

MR. P. J. COGELAN, examined.

Chairman.

11588. You live in the town?—In Portloman. I live in both places. The first part of the evidence I would like to give is about the river Moy, and I will give it very shortly, because the gentlemen that came here before me have given their version about it, and especially Mr. Shannon, who would abolish the nets in the fresh water. I have known, in my time, when salmon went out when there were nets, when I was a boy, they used to kill seven and ten salmon in a day with the rod, and that included some very large fish over 30lbs. weight, but now they can't be got at all. Still, then, there is some preservation wanted for the tributaries of the river Moy, because there is no authority that I know of can analyse what the River Moy Fishing Company pays in the line of spending water bailiffs to watch this river, and I believe the majority of those water bailiffs are all poachers that is, to be candid. To be sure the gentleman that has this paying of them does not know anything about it, but it has been asked of that the

Chairman—continued.

Constabulary went out and caught some of the bailiffs that were receiving pay from the Moy Fishing Company for thirty years, and they were brought into this Court and fined £5 each, and salmon was found in a water bailiff's house, asked. I believe, and I am almost sure of it, that there will not be proper preservation till the Constabulary are appointed in this river for five or six weeks, and paid a gratuity, or even more, as one policeman is worth a shower of these bailiffs. Here is another thing, supposing that those nets are prohibited on the river, the property lies in Portloman as along by the banks of the river, houses to let and the like, and if a gentleman comes here to fish, he can't fish, and he won't come here when he can't get a day's sport. Would it be any wonder in the world that a man who never went to poach on a river will be driven to poach when he will not get any facility to fish. There is no better water bailiff in the world, and I know it from experience for nearly forty years, than an angler.

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MR. EDWARD DOREAN, examined.

[FOXFORD.]

Chairman.

11589. Where do you live?—Ritton, Foxford.

11590. What evidence do you want to give us, now?—I work for Mr. Petrie as a fisherman, both with seals and also on the eel weirs round Foxford, and I am a tenant of Lord Clonmore together with that, and my land comes to the river, and I have known a great destruction of fish, and more especially trout, by the eel net. Where I worked for four seasons large quantities of them were taken.

11591. How?—In the eel net, and there were salmon, some of them killed and some of them living.

Chairman—continued.

11592. Of course that is an interesting item of information, but it scarcely bears directly upon what we are here to inquire about.

11593. Mr. Shannon.—How many years ago was that?—Eight years ago.

Chairman.

11594. When did you see this?—Eight years ago.

11595. Mr. Shannon.—Did the proprietors of the eel weir permit those salmon to be killed?—They were dead, some of them.

MR. EDWARD FOT, examined.

Chairman.

11596. Where do you live?—At Billes, Foxford.

11597. What evidence do you wish to give?—I fished for Mr. Petrie for six seasons, salmon fishing and eel fishing, and I have seen trout fry and perch fry killed, and at the time previous to his fishing there I could get a perch a pound weight, and three-quarters

Chairman—continued.

and half a pound, and so on, and now, to-day, I couldn't see any one of them at all.

11598. When did all this happen that you are speaking of?—It is between five and six years since I left fishing.

11599. You have no other information to give us?—No other information, sir.

MR. JOHN A. KNOX, examined.

Chairman.

11600. Where do you live?—At Foxford.

11601. And you are interested in fishing?—I am, very much, and I am a fisherman all my life.

11602. And you are a member of the Association here, are you?—No, I didn't join them, but I intended to join them and my son also, but the fishing was so bad, and from all the information I could gather here I came to the conclusion that there was no use in my fishing for trout, and that the fishing was useless; and I tried to gather up all the information that I possibly could, and come to some conclusion about the fish being so scarce, and the trout here, and all the information that I could get was that the whole destruction of trout in this river was caused by eel fishing. I had a conversation with Mr. Samuel

Chairman—continued.

Petrie the other day, and he explained to me all the salmon or trout that used to be destroyed by the eel fishing when he was fishing for his father, and he did it for years, and I asked him to come up here and give whatever evidence he could before you, and he is here, and that is a matter that I should wish very much to see cleared up. If there is this destruction that I hear of going on in the eel weir, I think it should be stopped. My son was at the eel fishing one night, and he saw trout taken out, large trout, and that was only one night, and every night, I hear, it is the same.

11603. That is really what you wish to tell us?—Yes, and I wish to bring that before you by the evidence that Mr. Petrie will give you.

MR. SAMUEL PETRIE, examined.

Chairman.

11604. Where do you live?—In Keshla.

11605. Now you know something about this eel weir?—I fished in it for ten years since 1896.

11606. Up to what time have you had experience?—Up to when my father died, and the fishing then went to Lord Clonmore, five years ago.

11607. Have you any knowledge of what has taken place on this eel weir for the last year or two?—I don't know. This time five years we gave it up, but I knew it before from 1896 down to five years ago, because I fished off and on.

11608. You know nothing about it any?—I do not.

11609. Or for the last five years?—No. At any rate there was no useful lot of salmon fry killed. I remember one man, Mr. Shannon, coming and taking them off, and he took them and told me he got them analysed, and he told me they were salmon fry.

Chairman—continued.

11610. Mr. Shannon—I told you they were salmon fry?—Yes.

11611. Mr. Shannon.—I sent them to the Department, and they said they were salmon fry?—Yes.

11612. Mr. Shannon.—And I said if you did take the salmon you should not kill them? Witness.—Could I stop them going into the net? The very moment he gets in he's killed? The very minute a salmon gets into an eel net he is choked on the spot.

11613. Mr. Shannon.—It shows the eel fishing is carried on differently now from what it was then. Witness.—I don't know.

Mr. Green.

11614. Who fishes the eel fishing?

11615. Mr. Shannon.—My son.

The Committee adjourned.

TWENTY-FOURTH PUBLIC SITTING.

SATURDAY, 25TH NOVEMBER, 1911.

AT 11.30 A.M.

At the Town Hall, Athlone.

PRESENT.

THE RIGHT HON. SIR DAVID HAMIL, K.C.B., K.C.V.O. (Chairman).

MR. W. L. CALDERWOOD, F.R.S.E.

MR. W. S. GREEN, C.B.

MR. R. H. LEE, Secretary.

MR. JAMES GILMORE, examined.

Chairman.

Chairman—continued.

11616. You are an Inspector under the Limerick Board of Conservators?—Yes.

11617. And I believe you have made a memorandum of some things that you believe would be of interest to us and give some suggestions and information?—Yes.

11618. I should, first of all, tell you that the object of our inquiry is to see to what extent the leasing of estates to the tenants and the passing also of the fishing rights from the landlords of those estates to the tenants have generally on the question of the salmon and trout fisheries of Ireland. That is the primary object of our sitting here, but, in ascertaining this, we have on various occasions, and will also on this occasion, recourse, without limitations, some evidence as to the salmon and trout fishing generally. Now, perhaps, if you have prepared a memorandum, you will just read it?—Thank you, sir. The first paragraph is in connection with the riparian owners and the leasing of land to the tenants, and on that point, up to the present, I have practically seen no change caused by these purchases under the recent Land Acts. I did get an application from a fisherman for a draft net licence. He enclosed a list of some ten or twelve persons who had purchased their holdings and who had signed a document giving permission to this fisherman to use a draft net in front of their holdings on Lough Gurr. Before issuing any licence to the applicant I went to Lough Gurr and saw the part he was going to fish upon. I also saw some of the tenants who had purchased and who had signed the document and I talked the matter over with them.

11619. Was the applicant for the net a tenant purchaser?—He was not. They seemed indifferent as to who fished the lake in front of their holdings, and they did not seem to realize any benefits by the new change. The fisherman took out no licence, the fee of £3 for a draft net licence being too high for him.

11620. Did you inquire as to whether these tenants received any consideration from him for the permission to fish?—I did.

11621. Did they?—No. There are no other tenants in their part of the division, so far as I am concerned, who have made any application for a licence or anything in connection with it further than what I have just read. That is in answer to No. 1.

11622. Are you acquainted with the general conditions of the fishing on Lough Gurr?—I am; but more acquainted with Lough Ree and the lakes from this to Boyle. That is the extreme end of my division here, Lough Gurr.

11623. It was brought before us there (of course, we had not direct evidence, but it was brought before us) that while there was one licensed net on Lough Gurr there were a good many unlicensed nets?—I have heard that there was one licensed net belonging to a man named Cooney. He is not fishing at present. There are other nets poaching on the western division of the lake.

11624. A good many?—Yes, so I heard.

11625. I suppose with that information steps should be taken to see whether that can go on or not?—Yes.

I would suggest appointing water bailiffs on Lough Gurr. The second paragraph is: "What is best to be done to preserve and develop the fisheries under these new conditions," and my answer is that, in my opinion, sufficient protection and development should be obtained by increased numbers of water bailiffs appointed on the principal spawning tributaries, at least during the close season, but I would suggest permanent appointment, if funds would permit.

11626. That is, you mean to say that you would like the staff sufficiently strengthened to preserve during the spawning season, and to continue that staff the whole year?—Quite so, that is my answer to that paragraph. The third is: "What arrangements can be suggested with a view to giving tenant purchasers an interest in preserving and developing the fisheries." My answer to that is, Sir David, that I would give a free 10s. licence to each tenant applying for it, who had purchased.

11627. A free licence?—Yes.

11628. But for what purpose would that be?—Every man will preserve his own portion of the river and keep off poachers, and it would assist us materially if he did so, and might financially assist him afterwards.

11629. You mean that, being a licensed person, he might challenge anyone that came on the river?—He could.

11630. But what fishing could he do himself?—As far as that is concerned, I will explain as well as I can. I would give a free licence to each tenant who had purchased along our waters, if he chose to accept it. The licence I suggest would cover salmon and trout fishing, and, if his angling was successful, it would be a strong inducement to him to assist in the preservation of the waters, which ultimately might become a good asset for the benefit of himself and his family or he might let it to sporting gentlemen.

11631. That is, you say you would give him the privilege of fishing, which is not by licence?—I would give it free on condition that he would help in the preservation.

Mr. Calderwood.

11632. What do you mean by free?—Not paid for at all.

Chairman.

11633. It would give him authority to challenge persons who came to fish?—Yes.

11634. There is no 10s. licence at present?—There is not, only a £1 licence.

11635. There is no use in saying it is a 10s. licence if you give it free?—No. Being a tenant purchaser and having a licence he would keep off poachers for his own interest.

11636. Why call it a 10s. licence if you are going to give it to him for nothing? You might as well make him a present of a £1 licence?—Very good, sir. This fact would give the tenant a deep interest in preservation, and poachers would give him a wide

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Mr. James Clumens—continued.

[ATHELOO.

Chairman—continued.

berth. The fourth question is, "What part the Board of Conservators could take in the preservation and development, and how far their resources are adequate for the purpose?" My answer to that is this: Regardless of every tenant purchaser whose lands adjoin our rivers and lakes, who might hold a fishing licence as above suggested, there is ample work for our Board of Conservators. Hundreds of miles of rivers and tributaries in each district will be running derelict through bogs, marshes and mountains, that no purchasing tenant would think of looking after, still they contain valuable assets in salmon and trout, and the only person to know their value and find them out in those remote places would be the poacher, whom the Conservators and their men must see after. The mill owners, the weir owners, the illegal fishers upon lakes and rivers must be seen after. The licence fee, the removal of obstructions in passes or tributaries, the cleansing of salmon and trout beds, and many other beneficent works of interest could be carried out, and the fishing industries thereby improved; but, unfortunately the funds at the disposal of our Board are so limited that only the fringe of preservation can be reached. The idea of seven men and myself for nine months of the year to look after and conserve 1,379 miles of rivers and tributaries, and also some lakes? I could employ a hundred water bailiffs and give over 12 miles to each.

11637 How many men do you say you have with yourself?—Seven. I could employ a hundred and give over 12 miles to each if we had sufficient funds, or if sufficient funds were available, but the present wages are insufficient to attract good men who would take an interest in preservation, and overhaul poachers and assist the general public. If substantial protection was afforded, the purchasing tenant would derive material benefit, as a good supply of fish would possibly be found in every river and tributary. At the present time the great drawback we have to contend with is the want of funds.

11638. You say there are 1,379 miles to be watched. At what portion of the river Shannon does your supervision commence?—It commences at the base of the river, at the very fountain head, and from that down to Portlanna.

11639. It commences at Lough Allen?—Yes, above Lough Allen.

11640 And goes to Portlanna?—Yes, sir. That is 140 miles in my division, down to Lough Derg.

11641. And you say you have seven men for that?—I have only seven men for nine months of the year.

11642. Don't you add to your staff at the spawning season?—I do, sir.

11643. How many?—Fourteen men this season, but less in some seasons.

Mr. Calderwood.

11644. Did you add fourteen, or in fourteen year total?—I add fourteen.

Chairman.

11645. Are there head bailiffs under you?—No, sir.

11646. They are all of equal rank?—Quite so.

11647. And what are the wages of these men?—They average from 15s. to 5s.

11648. That is the fourteen taken on are from 5s. 2s. No, sir, the fourteen taken on get no less than 7s., and do not exceed 10s.

11649. And are any of the seven men that you have on permanently only getting 5s. a week?—Yes, one.

11650. Do those people do other things besides acting as bailiffs?—I believe they do.

11651. What sort are they?—Generally poachers, and some have small pieces of land and a labourer's cottage or the like of that.

11652. Is it possible for twenty-one men even to patrol thoroughly, or to watch one day in the six weeks of the spawning season?—No, sir, it is not possible.

11653. Are there places that they never see at all?—There are places that they never see at all. There are nearly 100 miles of tributaries into Lough Allen without a bailiff on them at all. A single bailiff does not work with me in the whole division and there is no protection there whatever.

Mr. Calderwood.

11654. Is that where most of the fish spawn?—A number of them spawn in the mountains above Lough Allen, in the tributaries there.

11655. Where do the majority of the fish spawn in your district?—The principal rivers that we have are the Liffey and the Suir and the two Bannons, then there is the main river and its many tributaries.

Mr. Green.

11656. And in the main river itself?—Oh, yes.

11657. And the main river itself is the most threatened?—Yes, by poachers with snap nets.

Chairman.

11658. Are those tributaries you have mentioned adequately watched?—No, from Lough Allen upwards they are not, because I have no men there at all. We have no funds to put on men.

11659. And I suppose there is a great deal of poaching?—A great deal of poaching.

11660. How are the fish destroyed by the poachers?—They are netted or speared.

11661. Any poisoning?—No, sir, there is no poisoning.

11662. In the spawning season I suppose there is no difficulty in lifting them out of the tributaries?—Not the least, sir. I have heard from a gentleman a magistrate that had one portion of the Suir, at a village called Ballynecore, they killed them there every season in numbers.

11663. Now, if you please, can you give us information with regard to the funds?—No, sir, I could not give you any information, all the funds are in the hands of the Board. I merely submit the monthly accounts, and receive a cheque for same.

11664. We will go into that part of the question in Limerick?—Very good, sir.

11665. But at any rate the funds placed at your disposal only admit of your employing seven men permanently and fourteen occasionally?—Quite so, sir.

11666. And you consider that quite inadequate?—Absolutely inadequate.

11667. You think that in the spawning season you could employ a hundred men?—I could, and give each twelve miles of tributaries.

11668. Well now, apart from the answers to these questions, have you any suggestions to make, or can you give any information, for instance, are you acquainted with any property that has passed from the landlords to the tenants, except those you mentioned as Lough Gam?—No, sir, I have not.

11669. Have such properties passed?—I am not aware.

11670. You don't know?—No, I have heard no talk about it in this part of the country with the exception of Lord Castlemaize who has.

11671. Has he retained the fishing rights?—Yes.

11672. Or have they passed to the tenants?—I think he has retained them, and his brother takes out a licence himself and fishes with a net.

11673. Are there considerable stretches on those rivers that you have described that are protected by the owners of the fisheries?—There is only one gentleman that I am aware of that does so.

11674. Because it seems absurd to think that seven men can look after 1,379 miles?—The only gentleman that I know in this division that does so is Major King-Harman, and he has got the fishing rights for seven or eight miles on the Liffey.

11675. And he protects that for himself?—Well, I have a bailiff on it, but he has two or three of his own I understand.

11676. Your bailiff I suppose doesn't make much difference?—Well, not much, but he does his best.

11677. Practically he protects it for himself. Is there any other proprietor of a fishery who protects?—Well, there is Mr. Potts, on the Suir, and he has portion of the river there and has his own gamekeeper; and that's all that I am aware of about here.

11678. That is over your jurisdiction altogether?—Well, about Boyle there is Major King-Harman's property.

11679. You don't do much for them there?—No, they have an association themselves.

11680. Now, if you have any suggestions to make, we shall be glad to hear them. Of course, the question of the tenants is the primary object of our inquiry.

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MR. JAMES GILMORE—continued.

[ATLONE.

Chairman—continued.

but you don't know of any tenant having acquired fishing rights, and, therefore, you cannot give us any information about that?—I cannot, sir.

11683. Is there anything else you would like to say?—Well, I think it would be a great source of revenue if we could have a trout licence, as a number of gentlemen come here to fish on Lough Gara, and several places in this division, and a licence for trout fishing would be a great advantage.

11682. Are they white or brown trout?—In Lough Sheshin there are white, but in other parts brown.

11683. Are they sea trout?—No.

11684. Can you fish without a licence for white trout?—They are fishing on Lough Sheshin without licence.

11685. Can you?—No, sir. At Lough Sheshin there is an association as far as I can understand, but it is not doing much.

11686. Is it understood that if a man goes to fish for trout, and if there is any other trout but brown trout in the place where he is fishing he requires a licence?—It is not done here, at all events.

11687. But does he require it?—No, he does not so far as we are concerned.

11688. We have been told in other places that he does. As I understand it a man goes out to fish for trout, and if there are either white trout or sea trout in the place in which he fishes, then he requires to take out a licence?—He doesn't do it here in this division at all events.

11689. He can only fish for trout without a licence in a place where there is no other trout but brown trout?—Quite so; but there are very few brown trout there; but I heard last Monday that on Lough Sheshin there are white trout, though not salmon trout.

11690. Then he requires a salmon licence to get the trout, but he does not take it out?—He does not take it from me, certainly.

11691. Your suggestion in short is this, that you would give a licence free to the tenant occupier, and that that would put him in a position to challenge poachers?—Certainly.

11692. And he might fish if he liked?—Certainly.

11693. Fish for salmon, of course?—Certainly, everything that would come in his way, both salmon and trout.

Mr. Calderwood.

11694. Do I understand that you make some distinction between white trout and sea trout?—Well we have no sea trout here, as far as I understand.

11695. I understood that in Ireland the name white trout was given to sea trout?—That may be. All I can say is that I haven't seen them about here.

11696. What do you call sea trout?—I haven't seen them here. All I can say is that on the lake I am telling you about the fishermen tell me there are white trout.

11697. What do you say with regard to prosecutions, have you got many prosecutions here?—Occasionally we have.

11698. And on what charges mostly?—Well, offences of nets and illegal weirs and fish passes, and gratings

Mr. Calderwood—continued.

11699. How many prosecutions might you have in a year?—Something about twelve or fifteen.

11700. I understand you have a launch?—I have, sir, yes.

11701. Is that used constantly?—It is used in the close season and in the spring. I had six baillies on the lake some time ago, and they were absolutely no use to me. I applied to the Board to give me a boat, and I described the best I wanted.

11702. At that time you say something was no good?—The men that we had were no good to me in the way of preserving, and I applied to the Board for a steam launch, and I described the boat I wanted, and they contributed a few pounds and the Agricultural Department assisted and I got the steam launch. My method is to have a man with me (two men with me at night) and to go four or five days every week in the spring season commencing by the headquarters of the poachers, which is on an island on Lough Ilac, and I was altogether successful in putting down the poaching and compelling them to take out licences.

11703. Are those private water baillies connected in any way with your water baillies, and do they work in harmony with them?—My water baillies are independent of these altogether.

11704. They don't know what one another are doing?—No, I keep mine exclusively on public duty.

11705. Would it not be a great advantage to have some sort of connection with the private water baillies?—On the country runs which I take I direct my baillies to meet two or three times each week. On the most dangerous points where poaching may be earned on my men meet the private baillies.

Mr. Green.

11706. Of course you could not control these other baillies because they are the servants of other people?—No. Certainly not.

11707. They work for their own masters?—Certainly.

11708. I think the Committee would like to know what valuable angling there is here, or what sort of waters there are in your district on the main river, if you take from Portmanus up, take Banagher, for instance?—Oh, there is certainly good fishing between those points.

11709. There are many places on your waters where there is fantastic angling?—Meelick and Banagher and other places have good fishing, on to the fell at Athlone, and at Tarnaherry, and higher up, of course.

11710. And then there is some angling in the tributaries as well?—Yes.

Chairman.

11711. Are there valuable fishings let for the season within your district?—No, sir, there are not.

11712. Is there any portion of the river where you could take a week's fishing or a day's fishing?—Yes, any man could come and take out a licence to fish, except on the preserves below Killoe.

11713. Then except the portions that you refer to as preserved by those gentlemen, is the whole of the rest of the river free?—Free, yes.

SERGEANT-GENERAL WILLIAM JOHNSTON CHALGON, examined.

Chairman.

11714. I take it that you are a fisherman?—Yes, sir.

11715. And interested in fishing?—Yes.

11716. And I need not repeat my statement of the object that we have in coming here, but will you kindly give us any information or suggestions that you think would be useful to us?—Now, I have no experience as regards any cases of the transfer of lands to tenants. I have no experience at all as regards the great advantage of it, that is, the transfer of lands to tenants. The only thing at all that I wish to speak of is as regards what I know, that is, the diminution of the number of fish in the river since I first began fishing twenty-five years ago, and I have been fishing off and on for twenty-five years now.

11717. What portion of the river?—It would be about eight miles below Athlone, at a feed called Bushulla,

Chairman—continued.

and down to Shannon Bridge there are three or four fords, and I have fished there on and off for the last twenty-five years, and I wish to speak about the great diminution in the number of salmon in the river that has taken place during those twenty-five years. Of course there may be various causes to account for the falling off, but I have my own ideas as regards the causation, and I believe that the chief cause of the falling off is the netting to the rivers.

11718. Has that falling off been gradual, or has it been intermittent?—Has there been an occasional bad season, after which the river has recovered again?—Well, certainly, it has been intermittent, but of late years I think it has been getting worse. It has been gradually falling off more and more of late years. It has certainly been intermittent from time to time, but

Chairman—continued.

the distinction now is so great that it is very remarkable compared to what it was twenty-five years ago.

11710. Has it been remarkable within the last four or five years?—Yes, and more. I cannot exactly say. The first five or six years of the twenty-five that I am speaking of, there were a great number of fish that you could catch, particularly in summer when the water was low, because then you could see the pool jumping in the water. Looking at the river you would see scores of fish jumping continuously on the various fords. Now you might go and look at these fords, and stand on entire summer's day, and perhaps you wouldn't see more than two or three fish jumping the whole day.

11711. Now, would you tell us to what you attribute this change?—I think there are two or three causes. I think the first and foremost is the netting of the water. That is most destructive, I hardly see how any fish can pass those nets. Now, I think it is the netting that runs the river, and I would go so far as to say that I don't think netting ought to be allowed on the narrow waters once the fish enter the river. And, secondly, there is not proper protection of the salmon on the spawning reaches. Now, there is one small river I know, near Ballinacree, and I suspect you will get fuller information about it from another witness, Mr. Hartigan. That is a river which a great number of fish spawn in, and once the water falls there is wholesale poaching, and they are killed with pitchforks and spears, and I understand that they are taken and put into barrels and salted, and I believe there are no huddles on the river.

11712. And would there not be a great deal more of that kind of thing done in past times than there is now in that district?—That I don't know. I am not sure. I fancy not.

11713. Or do you think the people poach more now than they did then?—Perhaps they do. On that I cannot speak with any definiteness. I am not quite certain about it. I believe thirty-five or forty years ago there was no netting on the narrow waters, and I think the netting has a good deal to say to it, and the want of protection at the spawning beds. Those are the two things that I think are the chief points. I don't think there is very much damage done by rod and line, in fact, very little, because it is very few fish we get. For instance, I fished several days this year at Shannon Bridge, and I never got one single fish, not one. I got one on the Suir when I was fishing one day with Mr. Potts there, but other days I could catch none. Now, I knew an old friend who used to fish

Catching—continued.

forty years ago, Captain Dumas, and I understand him to catch in one summer at Shannon Bridge 75 peal, so that gives you an idea how the pool have fallen off in these years.

11714. Salmon are more valuable now than they were then, as a marketable commodity?—Yes.

11715. And, consequently, there are greater inducements now to net and poach?—Yes, very likely. There is a point Mr. Gilmore referred to, and that is, giving free licences to a lot of these men. I don't share those views at all, because some of these men would perhaps fish, but they would never leave the orange to stop others poaching. They are afraid to do it, and would have their boats smashed if they did, and there is no use in saying they would protect the river if they got a free licence. They won't do it. I know them well enough, they won't do it.

Mr. Gilmore.

11716. Have you any particulars that you could give us with regard to the increase of nets in the Shannon?—Mr. Gilmore knows that better than I do, but I know that in my boyhood there wasn't a single net at all up here on the narrow waters of the river.

11717. It is the last twenty-five years that you are speaking of?—Well, twenty-five or thirty years. I think there are either three or four nets up here near Athlone, and then there are two or three others up at Tammoherry. I think that these have all come on within the last twenty-five or thirty years, from what I have heard.

11718. Have you any data as to the decline in the catch?—Well, nothing more than I have just mentioned to you, that years ago, in the beginning of those twenty-five years, when I fished myself, we were able to kill twenty-five salmon. Now, last year, I did not kill one, and the year before I think I killed only two or three, and I know that when it was at its last time Captain Dumas, of Brittas, in the Queen's County, killed 75 in one season. There was very good fishing forty years ago.

11719. Was it on free water or on preserved water that you were fishing this year?—A portion was on "preserved" water.

11720. But the rest of the water was free water?—Yes, in fact all the fishing along this river seems to be free. All you have to do is take out a licence. Anyone can fish it.

Mr. Green.

11721. Though the water you usually fish is preserved?—No, the water I usually fish on is free.

Mr. William Fletcher, examined.

Chairman.

11722. Now, Mr. Fletcher, we should like to have any information that you can give us on this subject, first of all as to purchasing tenants. Do you know of any estate that has passed?—Well, I angle a good deal here from Athlone as a centre of a district within a radius of ten or fifteen miles for the last eighteen or twenty years. I live in Athlone, and I am fairly familiar with a great number of small streams which have a good deal of trout. I have not noticed, in recent years, that any changes have taken place in consequence of the sale of land to tenants. Some of the tenants have now got possession where previously the landlord held it, and most of these rivers I know are quite open and free to anyone to fish. Some years since, on some of them, there was one of the tenants looking after anyone that came along to fish, and if one had not permission from the landlord one was frequently warned off. That fishing has become a little more open now, but I can't say that there is much difference, there are no more rods now than there were then, and the tenants take no interest in the river. They never took an interest in it, and neither fish nor fishing seem to appeal to them at all. But in a few cases I have spoken to them now and again in the intervals of fishing when I met them at their sportswomen's parties in the summer time, mentioning to them what a very fine sport fishing is in

Chairman—continued.

other countries, where there is money made on it, a thing seldom done in this country. I don't think that any of these rivers that I am familiar with, on the main, sufficiently good to be taken up.

11723. It is good enough locally?—It is good enough for those who are on hand, but it is scarcely good enough to take up. It has scarcely a marketable value.

11724. Scarcely good enough to produce money that would be of any account when distributed amongst the tenants?—Yes, it would come to very little. I have noticed of late years that there is some little improvement, partly incidental to the improvement in the social and industrial condition of the country, in the waterway of the rivers being better cleared up, and the drainage better attended to, and I find that a great advantage to me as an angler; I find the fishing much better, and I feel that there is an obligation on me and other anglers that we should contribute something towards the expense of the clearing of the river, so as to give to the anglers and to the riparian proprietors a sort of common interest in them. We derive an advantage, each in our own way, from the better clearing up of the river and keeping it in better order, the farmer deriving an advantage from the improved draining of the river. And it has often seemed to me that it would be well if there could be a tax put on

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MR. WILLIAM FLETCHER—continued.

[AFTERNOON.]

Chairman—continued.

anglers, that the angler should pay something, that both he and the farmer could have a common interest to bind them together in a friendly way. Anglers should pay something towards the cleaning of the river. If they were to pay a shilling or two shillings in the year as a good tax, this revenue would be consigned to keep the river in good order. This is all I think we could fairly be expected to do, and it is the only way in which we could produce a revenue in a helpful way. I think anglers might be willing to pay something annually towards keeping rivers in good order, by removing the weeds and so on.

11734. Now, do you think that that might be better and more uniformly done through the Conservators, and that the angler might contribute a little more by way of increased licence?—Perhaps so.

11735. But, if it were taken up for fishing, your idea is a voluntary subscription of the angler and the farmer to some fund for the cleaning of the river?—Yes.

11736. That would be a matter of discretion, and would be entirely voluntary, but supposing that could be made systematic and uniform by adding a little to the licences for the purpose of administration by the Conservators?—Yes, sir, but what licence do you refer to?

11737. I refer to the salmon licence?—The salmon angler does not touch any of these rivers. They are useless for salmon fishing purposes, but they are of vital importance as salmon nurseries.

11738. You say they are salmon nurseries?—Yes, but I was speaking of trout just now. Your rivers interest me more than salmon rivers, there are very good ones round this district, and they are nurseries of salmon as well. Of course the farmer would not discriminate between trout and salmon. He would feel that there was a moral responsibility on him because he was getting a little assistance towards his expenditure, and that would help to keep poaching down. He would see that there was a responsibility to do what he could in his way, without going out of his way particularly, to discourage poaching, and the benefit would amount to a great deal if the farmers were to take up this matter, as, to some extent, I am glad to say, they are doing already. There is a careless kind of poaching done on Sunday, the youngsters go out on a fine, bright day, to pick up trout, but the farmers discourage them and tell them they ought to get a fishing rod.

11739. Is there any suggestion of combination amongst the farmers for the purpose of protecting, and essentially being, perhaps, able to make a stretch of river worth letting either by the day or by the season?—None of them have gone as far as that, but many of them have begun to think, and have said that it is a pity that anglers don't look after this, that, or the other river, that is, rivers that are weedy and dirty and yoke-invested, and even some of them said to me that it is a pity that anglers and others interested don't remove obstacles which obstruct the fishing of the river.

11740. In what portion of the river do you fish for salmon?—I may mention that in this district, so far as I know, the salmon fishing is merely confined to the Shannon, and is all free and open; it has no value at all.

11741. This is a part of the Shannon as to which I should like to hear about the fishing?—I fish at Athlone, on some waters within a few miles of Athlone, and on any within accessible distance.

11742. Have you perceived any difference in the run of salmon?—No, sir.

11743. And do you now catch as many as you used to catch?—You never can tell. Some seasons I don't even take out a licence; the water being unapproachable, it is quite useless to fish it.

11744. But with the same fishing conditions, or nearly the same fishing conditions as to water, have you recently got as many salmon as you used?—I have done better this year than ever. I attribute that to the lower waters.

Chairman—continued.

11745. Is it that they could not go up because the water was low above that?—No, it is a condition here that except the water is moderately low the salmon will not take, which is rather opposite to what obtains in other places. If the water gets above a certain level in Athlone the salmon will not take, but, with the water moderately low, our chances are very good. We had, at all events, good fishing last year. I think when I saw you last, sir, I told you that for two years I did not take out a licence. Well, I killed nine salmon the very next season.

11746. Have you anything to say about the netting?—Is that with reference to the question of an increase of salmon?

11747. I want to ask you about the netting. As an angler, do you think that netting in the river is interfering with anglers' interests?—The net is very uncertain. If the water is very high, netting is impracticable, but I feel that in talking of netting I am talking very much in the dark, and I don't see my way. I understand that there is, on the Shannon, at Lismacisk, the Lax Weir, which opens about the middle of February, and the fishing is continued steadily during the season. That gives a record of the quantity of fish coming into the Shannon, and the figures can be easily got giving an accurate statement of the number of the fish that come in and the possible number that escape by the King's Gap, so that it seems to me that it is easy to obtain an account of all the fish coming into the Shannon annually, and whether the quantity is increasing or decreasing. You have the matter absolutely in your own hands, you can ascertain all the fish that come in.

11748. You say you get as many salmon now as in former years, and that you never had better years?—Yes.

11749. It was not for the purpose of going minutely into the question, but to know whether you think that netting interferes with the angler's interest, and you appear to think it does not?—I think it interferes very little, and I am not at all prepared to attribute a falling off in the take of salmon to what happened two or three years before. For a year or two scarcely any salmon may appear, and then they may come up in great numbers.

Mr. Green.

11750. What weight were these salmon you got?—Small; I only got one over 11 lbs.

11751. And what time of the year?—February, nearly all in February, all, in fact, except one. March came in very high. I got one in April. I killed all the fish inside of ten days. You don't want me to say anything about poaching.

11752. Oh, yes?—It rather gets on my nerves, poaching. I am publicly reminded, sir, that there is no fish poaching in Ireland, and there never has been, to use an Irishman. But, leaving that out, I should like, respectfully, to call your attention, in one or two words, to the question of fish poaching. Is it credible that in a country where, within the last ten years, the population, especially among the lower classes, has fallen off at the rate of twenty, thirty or forty thousand a year, poaching would be increasing? Will you please consider that point. Is it possible that with the poorer classes leaving the country in such quantities, poaching could be increasing.

11753. But it may be quite possible that those who emigrate don't belong to the poacher class?—You think it is possible. No one would dispute that there is a tendency to migrate from the country part to the town, and country parts which were once populous are now desolate more or less. Can that possibly make for poaching? I recollect in my boyhood poaching ceased on from hunger, but the whole economic condition of the Irish people in the last thirty years has improved in such a way as no country in the world can give an instance of. Does that make for poaching?

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MR. WILLIAM FLETCHER—continued.

[ATHLONE.]

Mr. Green—continued.

In fact, in the country districts of Ireland, the humble classes don't care anything for poaching or for fish. They would sooner have a lot of bacon than all the fish in the river.

11754. Would you say that a man who wished that he had seen barrels of those poached fish salted down for consumption in winter was not stating what was a fact?—Oh, no, I should be very sorry to contradict him, but, as a matter of fact, I remember forty years ago seeing poaching during the spawning in the upper reaches.

LAWYER-COLONEL HENRY CHASTON, examined.

Chairman.

11755. Now, where do you reside?—I live about six miles below Athlone.

11756. And I take it that you are a fisherman?—Yes.

11757. And it is your interest in the fishing which brings you here?—Yes.

11758. Now, will you kindly tell us anything you have to suggest?—I am a Conservator for the P Division of the upper portion of the water.

11759. That is from Banagher up?—From Portlanna, and I have fished the water from Banagher to Tarnabarney for the last twenty-four years, and during this period there has been a very marked falling off in the number of salmon entering the upper waters, and I attribute this falling off principally to the excessive netting carried on both in the tidal and narrow waters. Now, I will just go right on to speak about the netting. The netting carried on in the head waters I should say is calculated to exterminate the salmon on the upper waters in a few years. At Athlone four draw nets are constantly working during the season. The nets are shot from side to side of the river. Very often two nets are in the water close to each other at the same time, which renders it almost impossible for fish to go through. At Tarnabarney the thing is even worse, four or five snap nets working in what are called the "narrow cuttings," which have been made there by the Board of Works.

11760. We had evidence of that?—One net works to within forty yards of the weir wall. Formerly there was an even current over the whole of the weir, but since the sluice gates were erected the whole current is drawn into a narrow channel a third of the width of the river. A couple of draws of a snap net would cover all the fish in the place; in fact one of the men acknowledged that he wanted only an hour in the morning and an hour in the evening to take out all the salmon that were in it. At an inquiry that we had before the sluices were erected it was proved that spring floods were much higher than they are now, because the water runs off far more rapidly in the head waters. This prevented, to a large extent, the draw and snap nets being worked. Of course, when the water is in flood the snap nets can hardly be worked unless they put heavy ropes to them, ropes loaded to the bottom. These high floods I think, to a great extent, protected the salmon. They allowed them to run through. The head waters of the river now run off much more quickly than formerly. When the sluice gates are shut this place at Tarnabarney becomes a real death trap. There is a great amount of poaching on the spawning beds which the ordinary bait is either unable or afraid to stop. I consider that it would be of great importance that the police should watch the spawning rivers more than they do.

11761. But they do give assistance at present?—They do, now and again, you get one now and again on R. Another thing with regard to the police is that formerly they got a certain amount of the fines. Now that has been done away with, and it goes into the general fund. The present Inspector-General started that. I think that any sensible obtaining a conviction should secure part of the fine, which is not the case now. From some observation of the net men on the narrow waters I consider that they are a class that take no interest in the preservation of the salmon, and only try to capture as many fish as they possibly can. There should be no mitigation of fines, and the poachers should receive no sympathy when caught.

Chairman.

11762. Are you always in those spawning reaches?—Yes, very much so.

11763. Then you are a very valuable assistant to Mr. Guinness?—Well, any poaching that I see in Ireland is of the reckless sort, none of the playful devilment kind.

11764. If it kills the fish it doesn't make very much difference?—Very few fish are killed. The only method of poaching I come across in the method of snaring. Some trout are taken by snares.

Chairman—continued.

As a rule they do no good for themselves, and the money they make generally goes to the publican. Owing to the diminution in the number of salmon on the upper reaches of the Shannon, I consider that nothing short of total abolition of netting on the narrow waters, and an extra day in the week for the fish to run through, will do any good.

11765. What is three days in the week?—Yes.

11766. What is the weekly close season now?—From Friday night to Monday morning.

11767. Is it observed?—Oh, yes; well, I don't know what is done down at Limerick, of course, but up here it is.

11768. You think that there is not any breach of the law in that respect?—No. I don't think there is, as far as I have noticed here. I don't think they do any poaching that way at all. These are the licensed nets.

11769. Is there much illegal netting by persons who are not licensed?—Oh, any amount; and another point is that there are several things that rather go to this poaching, that is those old lines and spears. There is no close time for such, for the line and spear, and they come down on the narrow water and of course they nearly always bring snap nets. I have one now 24 yards long, and all loaded at the bottom, which they left at Shannon Bridge two years ago, that was of course on the higher water.

11770. I suppose we need not, perhaps, go into the question of the funds of the Conservators, and so on, as we propose to go to Limerick?—We are dependent altogether on license, and then the Board are generally in an imppecunious condition, they never have any funds.

11771. Have you any suggestion to make as regards the appointment of Conservators—they are ex-officio and elected?—Yes.

11772. The elected Conservators are elected by license holders?—Yes.

11773. Have you thought over whether there could be any advantageous change in the constitution of the Conservators?—Oh, of course, I think a central body working the whole of the fisheries would be much better than the present system.

11774. Without any Conservators?—Yes, I don't think they are any good at all, and there are so many interests in the Conservators that I don't think they really protect the river to the best advantage.

11775. But even supposing a central body were constituted don't you think that in the management of salmon rivers and the tremendous mites that there are here, something further would be necessary?—You would want inspectors.

11776. But don't you think that local bodies would be of service, those who had actual interests?—Well, they might.

11777. By their representatives?—They might.

11778. If you could only get persons who had real interests you could create a good local body?—If there were more funds, but a person does not take much interest when he knows that there are no funds to be made.

11779. It is difficult to take great interest when you know that you have only seven acres to look after, 1,500 acres?—No.

11780. I was only thinking that perhaps in taking these matters into consideration you might have had something in your mind as to an alteration of the constitution of the Board of Conservators?—I think

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LIEUT.-COLONEL HENRY CHARLTON—continued.

[AYLESFORD.]

Chairman—continued.

every interest ends in the majority down at Limerick, and as far as I see they don't do very much. They certainly support us here as well as they can, but the funds are limited.

Mr. Caidenwood.

11781. Do you think that if they had more funds it would be advisable to have competent district Boards of Conservators?—Yes, I do, if we had a sub-board here with our own funds; everything now is submitted to Limerick, and of course probably more than two-thirds of them would be kicked out.

11782. Would you rather favour two separate Boards for the Shannon district?—Better to have a sub-board here and to have our own funds.

Mr. WILLIAM TRUMPERMAN POTTS, examined.

Chairman.

11783. Where do you reside?—Near Ballinacree, on the river Suck.

11784. You have been described as preserving portion of the river?—Yes.

11785. Are you a riparian owner?—Yes, we have a several fishery up there.

11786. For what length of the river Suck?—Well, we have one side of the river Suck for, I suppose, about eight miles, and we have just the one several fishery that extends two or three hundred yards, a ford. Of course most of the rest of the river is deep and muddy, and you cannot catch salmon or trout in these parts.

11787. Do you net and angle both?—No, I only angle.

11788. On the entire portion of the river that you have the fishing is reserved for anglers?—Yes, certainly.

11789. And do you employ men to protect it?—Well, I get my gamekeeper to keep watch on the river as well.

11790. Have you noticed lately that the fish are plentiful, or are they scarce?—On the Suck I think they have lately decreased; since I started fishing, for the last ten years it has gone down steadily.

11791. How many rods do you use?—I fish one myself, and I generally take out a licence for a man.

11792. Have you friends that have occasional fishing on your river?—Well, General Charlton will come, or somebody like that.

11793. How many fish do you kill in a season?—Last year I think between my man and myself we killed five. This year I stuck at it more and I got ten, and it was very hard work getting those ten; there were hardly any fish.

11794. What size fish were those that you got?—They were all good except one, a 15lb. spring fish.

11795. Have you sold any of your property?—No.

11796. Are you acquainted with any estate that has passed?—No, I don't know anything about estates that have passed.

11797. Now, we should like to hear from you something that you can tell us about preservation, or can you say anything that bears upon what you describe, that is to say, the diminishing number of fish?—Well, I think it would be well if something could be done to mind the small tributaries at this time of the year. For instance, now there is one small stream on our property, and I myself watch that very carefully at

Mr. Caidenwood—continued.

11788. And then you would need some general supervision from the Central Department?—Oh, yes.

Mr. GILES.

11794. The main river Shannon that you know most about is so far as not capable of being poached like the smaller streams?—There is very little poaching on the main river save soap netting.

11795. And the poaching that goes on in the main river would not be very appreciable?—It would do no harm of course if there was better supervision; and if the police looked a little better after the rivers than they do, poaching might be stopped.

Chairman—continued.

this time of the year; and generally I think the gentry should be got to help to preserve.

11801. To help the Limerick Board?—Yes, the Limerick Board have not anything like funds now to preserve the tributaries, and I should say it would be well if the local gentry could be got to take an interest in the thing, but they won't.

11802. You say those streams are not fishable streams?—No, they are not fishable streams, and it is only this time of the year that you would want to watch them.

11803. And has there ever been a suggestion that some of the small tributaries or the upper reaches of those tributaries might be stopped, so as not to allow salmon to run up?—I have never heard the suggestion made, but I often wondered if it could be done.

11804. Of course that would have to be watched?—Of course it would have to be placed high or else the fish could get over any stakes with the land on either side flooded.

11805. Have you anything to say regarding netting?—Well, of course, nothing has contributed to the decrease in the number of salmon. I think all the netting has contributed to that decrease, not alone the netting in the narrow waters.

11806. The netting from the sea up?—From the sea up. Down on the lower Shannon there is nothing but stake nets, and I don't know how the fish can get up at all. And also the sluice gates ought to be looked after to try and get an even flow of water on the small tributaries. They used to open the gates at night and shut them down in the morning, and the result was that there would be plenty of water at night and no water at all in the morning. I have seen the fish come up there when there would be a full stream down, but when the stream got lower and lower they would go back into the deep water.

11807. When the sluices were open they could go up?—When the sluices were open they could go up, but not all then.

11808. With what object was this done?—I don't really know what the object was at the time.

11809. Was it to save trouble, or anything of that sort?—I think the man in charge of the sluices at the time used to do it just to annoy people, but this year it has been changed, and the sluices have been working well, and it has made all the difference.

11810. The salmon could run at all times?—Yes, at all times.

Mr. GEORGE TURKINGTON, examined.

Chairman.

Chairman—continued.

11811. Where do you live?—Athlone, GE.

11812. Are you a fisherman?—Yes.

11813. And are interested in this river, I suppose?—Yes.

11814. Now, we should be glad if you could give us any information or suggestions. Are you acquainted with any of the estates upon which the tenants have acquired the fishing rights?—No, sir.

11815. Then it is upon the general question of fishing that you wish to speak?—Yes.

11816. Well, we should be glad to hear anything you have to tell us?—We have had pretty fine fishing this year, but not so good as we had twenty years ago. There was a great deal of fish taken at the Wall twenty years ago. I often saw fourteen rods and more at a time.

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Mr. GEORGE TUCKERSON—continued.

[AFTERNOON.]

Chairman—continued.

11817. How many fish did you get this year?—About none or ten.

11818. You are fishing more than twenty years?—Yes, sir.

11819. What was the best year you ever had?—I suppose I got fifty some years.

11820. Are the fish that you catch now as heavy as they used to be?—No, sir, I only get one very large fish, and that was 69½ lbs.

11821. Not this year?—Not this year, five years ago, I think.

11822. What was the average weight of the fish you formerly got?—I have got them up to 28 lbs.; I have got two and three in a day 28 lbs. weight.

11823. Latterly, then, if you are getting two and three in the day they would be a much smaller fish?—Oh, yes; a great number about 12 lbs.

11824. You say that the large fish are not as plentiful in the river as they used to be?—I don't think they are at all.

11825. Have you any reason to give for that?—I

Chairman—continued.

can't say, except that nothing has a great deal to do with it.

11826. You think the big fish are caught by the nets at the mouth of the river?—Yes, and I think they are caught in the narrow waters, too; indeed, I'm sure of it.

Mr. Green.

11827. That is, poaching?—No, sir, legally caught.

Chairman.

11828. Now, in your experience that the fish are caught by those nets?—I do believe that.

11829. Above and below?—Both.

11830. Is there anything else that you wish to say?—No, sir; I don't know of anything else.

Mr. Green.

11831. I suppose it was in March and April you caught those fish?—No, sir, February.

Mr. EDWARD SHAW, examined.

Chairman.

11832. You are a solicitor?—Yes, sir.

11833. Where do you reside?—Mullingar.

11834. And I see that you are Honorary Secretary of the Westmeath Lakes and Rivers Trust and Rosina Fish Preservation Society?—That is so, sir; for one year only, the late Assistant Secretary was Mr. W. J. Thomas. He held the position from the 11th of November, 1885, when the Society was formed.

11835. So it is an old society?—An old society. I have the Minute Book from the very start, and the first meeting of the association was held at the Greville Arms Hotel, on Wednesday, the 11th of November, 1885.

11836. Is this an association for the preservation of trout?—All classes of fish, but principally trout.

11837. Is there salmon fishing on the Inny and Rosina?—There is salmon fishing on the Inny, but it is outside the portion that comes under our jurisdiction.

11838. Then it is practically for trout?—Yes, there are rivers in the county, in our district, to which salmon come up in the spawning season, and we afford any assistance that we can there, but we don't appoint any bailiffs especially for salmon.

11839. But they don't come up during the open season?—No, sir, they don't.

11840. That is to say, that part of the river is not fishable?—No, sir.

11841. But some salmon come up to spawn?—They do, sir.

11842. Now, what constitutes membership of your association?—Well, any person can become a member by subscribing, and the society exists on voluntary subscriptions altogether, with the exception of the fact that the Department contributes a sum of 7s. 6d. for every pound locally subscribed, not exceeding a maximum of £20.

11843. Is every contributor at liberty to fish over those rivers and lakes?—The fishing is absolutely free.

11844. Free to everyone?—Free to everyone. I will come to that in a moment.

11845. Perhaps you will give us your information in the form that you have it there yourself?—Well, I have got only the minutes. I may tell you first as regards the formation of the society; since it was formed it has existed by voluntary subscription, and for the last few years the Department here, as I said before, contributed a sum of 7s. 6d. for every pound locally subscribed, not exceeding a maximum of £20. Why they fixed the maximum at £20 for us I don't know.

On Lough Sheelin the Department allow them a sum of £25 or £40, in addition to which they give them a certain number of rods, 50,000 in the season, and I wrote to the Department this year asking why they allowed the Conservators of the Lough Sheelin district a larger sum than they allowed to us, and I received back an answer to the effect that they didn't wish to enter into a discussion with me on the subject.

Chairman—continued.

11846. Well, of course, that is very interesting and right enough as between you and the Department, but you must remember that we are not here to inquire into that aspect of the question?—But I did not think it wise to ventilate it in any place else so far. Perhaps we might get a slice. I myself have asked as the Westmeath lakes for over twenty years, and with regard to the question which appears to be the principal object of this Commission, namely, the change in the tenure of the land, I cannot say that it has in any way affected our lake at all, because only portions of the lands adjoining the lakes have passed. In a good many cases there were tenants by the side of the lake, and the riparian owners are all honorary members, and some are subscribers to our association, but the preservation of the fish is really my principal reason for coming here, sir. I should say, and I speak from experience, that all our lakes are very well stocked with excellent fish, ranging as far as 26 lb. 2 oz., and holding the record of the United Kingdom for the largest trout caught by fair angling. That trout was presented to the late Mr. Thomas, and after his death was presented by his widow to the Museum in Dublin, and is there to be seen by everyone.

Mr. Colclough.

11847. Is that 26 lb. 2 oz. 2 oz. That was caught on the 19th of July, 1900. In the Bodmin Book it stands as the largest trout captured in the United Kingdom. What we complain of is that, that all those large fish go up the country to spawn (and they are there about to spawn at the present time) in a district three miles from Mullingar and the Dyers district. They go up miles and miles of streams, and any person walking along the bank can see them, and they don't go far, as a rule, from where they make their spawning beds, and they are taken wholesale. I have not seen the barrels myself, but I understand that in several districts they are ickled and kept over for the Lenten season, and the suggestion I would make with reference to this point is, that if a sufficient fund was given to us, if it wouldn't interfere with the spawning of the fish, we would limit them to a distance, say, of 300 yards up from the lake. It is impossible, with the small funds at our disposal, to have them properly looked after. I am in a position to say that very few of the fish that go up come back.

Chairman.

11848. Are they taken before they can spawn or after it?—They are taken, some before and some after. My suggestion is, if it would not interfere with the free spawning of the fish, to limit them to a distance of, say, 300 yards from the lake, and that we should be entitled to deepen these rivers, and put in gravel for the fish to spawn. My impression is that that would conduce very much to more fish surviving their birth, because a lot of these small streams are perfectly dry, and I don't know what degree of life

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Mr. EDWARD SHAW—continued.

[ADJOURN.]

Chairman—continued.

is in the oval at the time, but I have seen a good many of these streams after the last spawning season practically dried up.

11897. That is gravel bed without water at all?—Absolutely without a trickle.

11898. Have you thought if a barrier is put 300 yards from the lake, what would happen if a flood came down?—I am not an expert in fish-breeding, but if it would conduce to getting a better result as regards the young fish I would certainly stop them from going up, if it did not interfere, as I said before, with the free spawning. We have a case in point on Lough Oweel, that is a lake through which the Midland Great Western Railway goes on the way to Longford and Sligo, and that lake, as you probably know, supplies water to the Royal Canal. The lake empties itself into a river or stream which is called in our district the Shippy, and it passes under a house which is occupied by one of our bailiffs, and he regulates the supply of water to the canal. Well, for about twenty or thirty yards before the water passes under his house, and through the sluices, there is a deep stagnant bit which you would see in the canal over a mud or gillnet, narrowed in with stone, built up the whole way. There would be about twelve feet of water in that, and any person who takes the trouble to go down from this to Christmas can see 30 or 40 fish there varying in weight from 3 to 15 lbs., rooting up the beds there, and I must come to the conclusion that the fish spawn there, and though they are stopped by the wall, it does not interfere with them carrying on natural operations.

11899. Is there any other place where the fish do the lake go to spawn?—Oh, yes.

11900. But you say that as an argument to show that in a restricted place these fish would spawn?—I can't say that the fish do spawn, but they go through all the processes, and apparently they would not do so if the purpose was not of some use to themselves.

Mr. Calderwood.

11901. Trout or salmon?—Oh, very large trout. With reference to this fishing in Lough Oweel, I may mention a rather strange circumstance, because a good many years ago I had no trouble whatever in getting eight, ten and twelve fish to my own net. I was then a novice at the game, but I principally indulge in May fly fishing, and at that period the green-drake on the lake were up to the usual average as regards numbers, but the next year they disappeared altogether.

Chairman.

11902. The green-drake?—The green-drake absolutely disappeared altogether. Various causes were assigned at the time, but the result was that practically no angling was done on this lake, that is, Lough Oweel. The fish are there, there is no doubt, but they will not rise.

11903. Do you mean that the green-drake disappeared permanently?—Disappeared for the year, I won't say permanently; but for three or four years there might be seen in the season what would be equivalent to a box of flies; but that lake is gradually coming back now, and year after year they are becoming more general over the lake, and it is my opinion that after a few years Lough Oweel will have returned, as far as the fly is concerned, to its normal condition.

11904. And was the former condition the same as that of other lakes as regards the number of flies?—I should say so. The same sort of thing, but not to such an extent, has occurred on Lough Erne, which this year contained very few flies, in consequence of which the fishing has not been at all as good as it used to be.

11905. Where are these flies generally?—That is a question I would not care to discuss. They come up from the bottom of the lake. Of that there is no doubt. We see them rising, and coming out of the hull, and on a fine sunny day they take themselves to the top of the trees and other places, where it is very hard to get them. What has occurred in Lough Oweel has occurred in a smaller degree on Lough Erne, while some years ago the flies on Derravaragh were much more numerous than they are now, and the fishing has not been so good of late years as when they

Chairman—continued.

were more plentiful. On Lough Sheelin the fishing is very good, and there are millions of flies. Three friends and myself killed 116 trout there in eight days, on Lough Sheelin. If it could be at all possible to stop the fish going up the country to spawn they would come back to the lake.

11906. Permission is required to stop them?—I think we would be able to get the necessary permission if we could get a slice out of the £50,000. With regard to the question of preservation as regards bailiffs, as I said, since our society was started it would have been absolutely impossible for us to go on without the assistance so generously afforded to us by the Limerick Board of Conservators, and the Department give us already about £20, and local subscriptions come to about £50 in all. We have to pay three bailiffs on Derravaragh, four on Lough Oweel, and three on the river Emy. We pay them from the 1st of March to the 1st June, £14, the same from the 1st of June to the 1st of October; £22 from the 1st of October to the 1st of January; £26 from the 1st of January to the 1st of March; that is £76 for bailiffs altogether. In addition to that we maintain a boat on each lake, which has got a police ordinary patrol, and I may say that quite a number of the cases (though they are not very large) that we succeeded in obtaining convictions in are due to the assistance that we always get from the members of the Royal Irish Constabulary.

11907. What sort of poaching is there?—The principal class of poaching with us, that stands out by itself, is the taking of large numbers of fish in the spawning season.

11908. But on the lake?—On the lake I cannot say that there is very much other fishing going on. The principal class of poaching is done with the net, and at night time. The Fisheries Commissioners held an inquiry at Limerick some years ago in reference to Lough Oweel, and a bye-law was passed prohibiting the use of nets in Lough Oweel at all for any class of fish. And there is no netting, and nothing but the rod. About a year and a half, or two years ago, another inquiry was held as regards a similar thing for Lough Erne, and a bye-law was passed prohibiting the use of netting in clear water, but allowing it to be used in reedy bays for the purpose of taking coarse fish.

11909. That is pike?—Pike and perch. But even since then I myself have seen trout in a net this season, and it is impossible to prevent it while we have only one bailiff on each lake.

11910. During the open season?—The bailiffs in the close season are paid to look after the rivers, and the members of our society believe that if we had more funds, no matter what grant the money came from, it would justify us in having the rivers and lakes better patrolled, and the fishing would come back to its former state, which was very excellent indeed. And the members of our association were anxious that I should put this matter very frankly before this Committee, because it is impossible, even with these two grants that we get, to continue to exist without some such assistance. We are only struggling, really, since 1885, and if it would be at all possible it would be well to let us have something more.

11911. Do strangers who come to these lakes contribute anything?—They used to contribute when the fishing was good, but then as it dwindled they stopped their subscriptions, and last year the last survivor of the old brigade in sending his subscription said to erase his name of the list.

11912. That was rather depressing?—It was, sir.

Mr. Green.

11913. I suppose you have given up the idea that the gulls had anything to say to it?—Well, I have. I never paid attention to that, but I received complaints about the gulls, and I thought that the gulls were responsible, there being such a large number; but as regards interfering with the fish, I don't think they do. I should like to say, and I think it is only fair to say it, that visitors going out for a week or a fortnight if they don't get good sport tell everybody else that there is no fish in the lake, that it is being poached. They don't fish consistently, but those who

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MR. EDWARD SHAW—continued.

[ATHELTON.]

Mr. Green—continued.

do fish consistently get fair fishing. Some parties get an average of 100 to 200 fish in the season. Those were men who fished every day, but people who pay a flying visit, if they didn't get all they want give the lake a bad name, and the society a bad name, too.

11866 After all, these people don't contribute very freely at any time?—They do not.

11867 How much would a man who came for a week's fishing give the society?—£1 or a guinea.

11868 That was a certain custom?—It was so, sir.

Mr. Caddenwood.

11869 What is the position of your society?—Well, we started with the belief that if it were possible to limit the area of the rivers as regards the distance the fish could go up and to keep them nearer to the lake, it would afford to a better means of protecting poaching, and give the fish a better chance to spawn.

11870 But what class of people form the majority of the members of your society?—I have the names of the members here, and the subscribers for a number of years. For instance, Lord Comford and Lord Greville, and a number of others like that.

11871 That is quite enough for my purpose; we heard yesterday about another society where they hoped to be able to include in their membership tenant purchasers and men of that class, so that the interest in preserving the fish might be very largely extended. You haven't got any views of that kind?—Well, you see, sir, as far as the lakes are concerned (I live myself close to Lough Beg), there are a few tenant purchasers there, but they are farmers, and they live

Mr. Caddenwood—continued.

about two or three or four hundred yards away; but they never come down to the lake as a rule, except very rarely.

11872 You don't think it would answer any good purpose if you extended your membership in that way, so that the protection of the spawning tributaries might be helped by that means?—I sent a circular out, which I thought I made an attractive one, to every member of the Westmeath Hunt and every member of the Golf Club, and every member of every other club in Westmeath, and I got, in reply to the 300 circulars that I sent out, one new subscriber of 10s. And that was the only subscription I got, so I sent out no more circulars.

Chairman.

11873 We quite sympathise with your desire to get a further grant, but while we would be disposed to do what we could it does not depend on us?—I thoroughly understand that, but it is only about three weeks or a month ago since I read in the papers of £50,000 being given to the Department for Irish Inland Fisheries, and thus being a Departmental Committee, I thought it had some connection with that.

Mr. Green.

11874 I can tell you that there is no such thing. Such a thing has not been heard of by the Department?—Well, I read it in the paper. My principle was to get a slice of whatever is going, and I think if there is money for Irish Inland Fisheries we ought not to be left out in the cold.

MR. WILLIAM H. RICE, R.M., examined.

Chairman.

11875 I think you are a Resident Magistrate?—Yes, sir.

11876 Are you a fisherman?—Yes.

11877 Now, you know the object of our inquiry, and perhaps you would give us, in your own words, any information that you think would assist us?—Well, there are two principal points in it, the first is the riparian owners, and that as a subject on which I have not had any experience, but there is a gentleman here who has had experience on one river, at all events.

11878 We will hear him, but have you got anything to tell us?—I have just made a small memorandum as to the second paragraph. I have been speaking to a good many people on this subject. Of course this riparian ownership is a new thing, and the idea generally is, as far as I have been able to gather it, that in order to get these people to make any use of their newly-acquired rights, some intelligent instruction should be given to them as to the value of what they have become possessed of, and let them work on their own lines. My idea, so far as my countrymen are concerned, is that if they become possessed of something of value they will very soon come to know how to make use of it, and I think if intelligent instruction were given to them that would be the case in a very short time.

11879 Who would instruct them?—Well, I should say let the Department appoint an entirely independent officer who would go there and let them know that they have now become owners, and by a little co-operation they could very soon make a valuable asset of the river. Without co-operation I don't think any use could be made of it. The same answer regarding co-operation would apply to Number 3, that is, as to what arrangements can be suggested. I think co-operation could only come about by the idea starting among themselves. They are almost all small owners, and if it could be suggested to them then possibly amongst them a man will arise who would come to the front and lead. If they did co-operate generally you might have a spark or a person amongst them who would not fall into it at all, but that would not matter much. I think they should get some assistance in the way of oar or fire to put into the river, and at all

Chairman—continued.

events to increase to some extent the chances of fish, they should be given a start.

11880 You are speaking of trout rivers to a greater extent than salmon rivers?—I am speaking of both. A salmon river is directly a more profitable asset than a trout river, and I think they would very soon come to understand it. Of course the owners, in a great many cases, have very small portions of the river, and I would agree also with what that gentleman who has just gone out said about clubs, I think they ought to be encouraged by assistance from funds, as I think they would help in the preservation of the fish. I think a club, to my mind, would be a very excellent means of preserving the fish, because they would have a body to distribute the funds, and would possibly see that the money would go to people who would do some little thing to earn it at all events.

11881 Is there anything else?—There was some suggestion as to preservation. I don't think we can ever have preservation without co-operation of the owners, that is, to prevent this poaching which has become ingrained, to my own knowledge, in the habits of the people who live along the rivers, people who regard it as an annual thing. I have known it in Kerry. I was very familiar with the houses there in driving about, and every house has its gaff in the thatch, and they also used to salt and barrel the fish; and although I did my best in the district, and was successful in bringing cases to justice, I would suggest that in all cases of prosecutions for offences against the Fishery Laws the Department should prosecute.

11882 As distinct from the Conservators?—Yes, sir. I should be very glad to see that the Department took charge of these cases.

11883 Do you mean that the Department should be the normal prosecutors, but that the Conservators' bailiffs should be the witnesses?—Oh, they would be the witnesses wherever prosecuted, and the Constabulary also. I think there is overlapping of the two Departments at the present time.

11884 Do you think the Constabulary might be persuaded to take a more active part if the Department were the prosecutors?—I should say so, sir. The Department is a Government Department. I have no doubt that the Constabulary would co-operate more

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MR. WILLIAM H. BACE, R.M.—continued.

[ATLONE.]

Chairman—continued.

generously with them than with the local bodies scattered about the country; for instance, with those people at Limerick, and I do think that the Department should take up more readily cases that would affect the quantum of protection, and should not have so much red tape. I have reasons for thinking that. I think that being a Government Department, if the evidence was put before them the Department would work it up more thoroughly and promptly in a way that would carry conviction when the cases were brought into Court, and I think that would be a very valuable change. I don't know much about the constitution of the Boards of Conservators, but I think the fisheries have not improved under the management of those local bodies, possibly from want of funds and possibly from a difficulty in getting really trustworthy men to carry out the duties of bailiffs.

11885. You won't get a very trustworthy man for £5 a year?—No, you won't. They are all willing to get appointed, but you see very little result.

11886. Was there any other matter that you wished to speak of?—There was. It comes under the head of preservation. It is the destruction of pike, otters, cormorants and gulls. I am quite satisfied that they do an immense amount of mischief, and that some special machinery is required for dealing with these vermin. I would suggest that it should be done through the Constabulary. I know the Constabulary as well as any man living, and I am sure they would be willing to help in this matter, and I should hope, and I am sure, that the Inspector-General would aid the fisheries in this way. I can see no reason, from my conversation with them, why the local sergeants in the districts should not have a small fund out of which they might pay so much for each pike, over a certain weight, to the boy or man who would bring it in, and, in the same way, that a payment should be made for each otter and cormorant.

11887. The Conservators do give 1s. 6d. a head for cormorants?—I think the method I suggest would be

Chairman—continued.

very effective, and the boys of the country would know that by killing an otter, cormorant, or pike they could go to the barrack and get so much, and that would lead very largely to the destruction of these vermin. It would be a very easily managed arrangement, and I don't think it would be much trouble. I am sure the local sergeants would not regard it as a very great hardship. Anybody in the barrack could do it, if you had in the barrack a book in which you would put down the boy's name and let him sign the book; and I think that would go largely to the destruction of the pests. And, from my observation of them, I think the gulls are most destructive to the fry, and I may say also that, to my knowledge, they do prevent the fish from rising. That, of course, depends on the water. On a rough day, when the water is rough, the fish will take the fry, but, given calm water and the sun shining, then the gulls hover in hundreds over the lake and will prevent the fish from coming up. They won't come up; and this year there has been a tremendous diminution of fry owing to the gulls, and the calm state of the water for days and weeks. I have seen them in thousands, and they must necessarily feed their young with the fry they can pick up along the rivers and lakes. There can be no doubt that they are a tremendous destruction to the salmon and trout fry in the first place, and also to the May fry.

11888. What is the close season in the Wild Birds' Protection Act?—It commences on the 1st March and ends in August, but I think some of the gulls are not protected, but who is going to bother killing them, because they are, to some extent, of use to the farmer.

11889. The drought this year kept them from getting their natural food?—They go to the lakes in large numbers, and I am sure they not only kill the fry, which is the natural food of the fish, but they prevent the fish from rising. I am quite satisfied about it, particularly in calm water.

MR. THOMAS HARTIGAN—examined.

Chairman.

11890. Where do you live?—Ballynasloe.

11891. Are you a fisherman?—Yes, sir.

11892. Rod and line?—Yes, sir.

11893. Do you net at all?—No, sir; I fish two rods.

11894. As a free fisherman?—A free fisherman.

11895. Can you give us any information on the subject that we are here inquiring into?—I can't say anything about the change of ownership, or what it did, but, from my observation, I think the principal cause of the decrease of fish is the want of protection in the spawning rivers. There are two small rivers near Ballynasloe at present, and there are thousands of salmon there at present, and with one week or fort-

Chairman—continued.

night now of dry weather you could just catch them with your hands, and poaching does away with a lot of them. I was speaking to a bailiff for the season, and he says he can't get a suitable person to look after it except what time he can spare himself, and I don't think it is properly watched.

11896. You say there are two rivers, what is their length?—One is three miles and the other six.

11897. Is there any depth in the pools that the salmon wait in?—One has a fair depth, the other is very shallow and dry in winter time.

11898. And there is no protection?—No, sir.

11899. And your remedy is better watching?—Yes, there is an enormous amount of fish in it at present.

MAJOR WESTWORTH KING-HARMAN, examined.

Chairman.

11900. Where do you reside?—Near Ballymahon, just on the lough.

11901. And you have a preserved fishery on the lough?—Yes.

11902. How many men do you employ?—Two.

11903. What is the mileage extent of that?—About nine miles or ten miles, or so.

11904. Are there any spawning tributaries running into the river?—Yes, three or four.

11905. I presume none of those tributaries are fishable?—From a salmon point of view, no.

11906. That is what I mean, from the salmon point of view?—No.

11907. Do they hold trout?—Yes, a few.

11908. Now, will you kindly give us any suggestions or any information that you think would be of use to us, and, in the first place, is there any estate there which has passed to the tenants?—Well, practically not. There is only one small estate that I know of,

Chairman—continued.

with a small river frontage of about half a mile, and there are only two tenants on this little place, and they have, each of them, got two or three hundred yards of frontage on the lough quite close to us, and these are the only two men that I know anything about.

11909. What have they done with their fishing rights?—I may say nothing. I offered to rent one man's rights from him, and he said he would not let it to me unless I would take the shooting too, and I said I did not want the shooting, and he said: "We will let it alone, and we will see about it next year," and that goes on, and I am perfectly willing to pay him, but I don't want his shooting.

11910. Is his shooting worth anything?—No, he has nothing to shoot at.

11911. Is it fields or mountains?—Half a dozen fields.

11912. And what could you shoot there?—Oh, thrushes, or something of that sort. And he wants me to rent the whole thing, and I am not prepared to do that;

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MAJOR WENTWORTH KING-HARMAN—continued.

[ATLASEE.]

Chairman—continued.

and the other man, who has considerable land, has got an amount of fishing so exceedingly small, 150 yards, that he would not let it, and he does not fish it himself, and when I asked he said: "No, but you can fish there whenever you like."

11013. Are the other portions of the river free?—No.

11014. Are they owned by landed occupiers?—Yes, or people who have sold to their tenants and reserved the sporting rights.

11015. Are there watchers employed by them?—Not by the people who sold.

11016. Are you the only person who has preserved?—Captain Clerk has a residence on it, too, and preserves his part.

11017. Is there any netting on that river?—There is no legal netting, but we had a right of netting and I gave it up about ten or twelve years ago, because I thought it would improve the number of breeding fish by not catching them in the spring and summer in the net and leaving them there till the winter.

11018. Has it improved it?—Well, I won't say it has improved it, but probably it would have got worse if we had not done that.

11019. Do you join in the opinion that the fish coming up are not as numerous as they used to be?—Oh, certainly.

11020. You have no doubt about that?—Absolutely none. I have got records at home in our fishing books which show what people got many years ago, that it would bring tears to your eyes to look at now and compare with what people get nowadays.

11021. Are the fish as large when caught as they used to be?—No, decidedly not. We used to get misty fish running up to 30 lbs., and I never got one now on the river over 20 lbs., and that is a very occasional one. The average is 12 lbs.

11022. Do you think that there is much poaching on the upper reaches when the salmon go up to spawn?—Yes, there is a top reach; I think it is the most poached water of the river Inay. Now, nothing prevents the salmon which come up the Shannon going to Lough Derravagh, but they never do. They just go to the top of our water, and they don't go any further; the number of fish which have been seen on the Inay in the spawning time, and spawning fish, above a certain point where the canal crosses the river, in an aqueduct, may be counted on the fingers of one hand; and that

Chairman—continued.

goes back long years, and I have asked people who fished those fifty years ago, and each said, "I have seldom seen them above that, perhaps once or twice."

11023. And above that is there any spawning ground?—Oh, plenty.

11024. Just as good as below?—Certainly, and I won't say that occasionally a few don't go there, but they are so very, very few, that you may say there are none, and in the top reach to which they do go I am satisfied that a good deal of poaching goes on for the last three miles.

Mr. Green.

11025. Do the large lake trout go up the river?—Witness From Lough Ree?

11026. Yes?—I have never seen them come but two or three miles up the river, those old big ones; I have never seen them more than two or three miles up the river.

11027. I suppose the Conservators are not able to contribute very much to the preservation of the spawning fish up there?—They have only one man during the close season, and I think, really, that if we got one good man there, with the help that Captain Clerk gives and the help that we are able to give, the Inay could be well watched, but the difficulty is to get a good man.

11028. What about the police, do they give you any assistance?—I think they give assistance when asked.

11029. But, as a matter of fact, do they give assistance in the preservation of the fish on these spawning beds?—They say they do, and I am sure that they do give assistance, and if they saw a bullfinch being attacked I am perfectly certain they would help him. The great thing is to get a man that can be relied upon.

Mr. Colderwood.

11030. When do salmon enter the Inay?—The first fish come in about the beginning of March, and then odd ones just dribble in during the spring, but this time of year ten fish come in for one that would come in the spring, ten spawning fish.

11031. They run very late?—Yes.

11032. You say the early fish go very high?—They don't go beyond this point that I mentioned.

11033. Do they go up there almost at once?—Yes, they travel very quickly. I have known an occasional salmon to be caught there many years ago in February.

CAPTAIN CHARLES T. CLERK, examined.

Chairman.

11034. Where do you live, Captain Clerk?—I live on the Inay, too, near Ballymahon, and I have about a mile of one side of the Inay, and on that particular part of the Inay there are, or used to be, four or five very good pools; but I have fished that river for ten years, and I don't think many people fish much near carefully than I do. I am quite content to go on for three months casting all day long without ever getting a rise at all. I don't think many people would do that. Last year I got two fish, or rather this year I got two fish, for last year I was away abroad during the best part, that is to say, March and the beginning of April. But from what I saw this year I should say there were rather more fish than usual, but with the exception of this year I think the fish have continuously decreased. My observation of the netting is, that when there are heavy floods in the main body of the Shannon, and stormy weather, we do even now get a fair number of fish, and that those fish run right through and come up into our water. I say that that shows very conclusively that the netting in the Shannon itself has a very considerable amount to do with it, because it is when the water is so high and they are unable to work their nets properly that the fish come up to us in fair numbers still.

Mr. Green.

11035. Do you think that those fish are fish that ran before the nets came in at all, and were in the lower part of the Shannon making their way up?—No, I don't think so. I think also another thing that has tended to decrease the number of salmon is, that a

Mr. Green—continued.

great many of the spawning beds have got silted up with dirt, and this has, first of all, been caused by various drainage schemes, because the water apparently runs off the bogs more quickly, and brings down with it more matter, and this matter gets deposited on what were once beautiful gravelly beds, and now these are covered over with rushes; and, of course, they should be cleaned. But I think that I must confess that personally I am very ignorant about salmon, though I tried to learn all about salmon, but the ignorance of other people, the country people, is appalling, and therefore with regard to the cleaning of our spawning beds I should not like to do such a thing because I have not sufficient knowledge to know how long the area remains without leaving their beds altogether, and I should be afraid to go and clean a spawning bed without some technical instruction as to the subject. Now, there is nobody to give us any technical instruction or any knowledge, but the Department has been very kind in answering questions. Mr. Holt, of the Department, came down and visited the river Inay below the Mills, at Shrule, where there were formerly good spawning beds, and he gave Major King-Harman and me his advice on the subject as to what should be done, and we carried out what he advised. We spent about £15 on the cleaning of that portion of the river, and we hope it will improve it, and we hope to do a little more next year when we get low water, but I think that there ought to be some sort of a pamphlet issued about matters of that sort, giving people advice with regard to the cleaning of their rivers.

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CAPTAIN CHARLES T. CLARK—continued.

[AYTHIOLE.

Chairman.

11936. As to the length of time that should elapse after the spawning before it would be safe to disturb the bed?—Yes. Of course, we have to do those things carefully, and we hope to do some work of this kind when the water is sufficiently low to enable men to work. Still we might be told things of this sort, and then if inspectors came round and advised us with regard to all matters of this kind, we should be all extremely grateful to them.

11937. I am told by my colleague, who is the highest authority, that a hundred days is the time that must elapse after spawning before you can disturb the bed. But it might be a little longer or shorter, according to temperature?—Witness! Then do I understand that when the ova first come out, the small fry leave the bed altogether?

Mr. Coldrewood.

11938. They work out by degrees. You would need to find out the temperature of the river, because if the temperature is high the hatching is more rapid?—Formerly there were several men who used to take out licenses to fish the river; there were Martin Owens and others who took out licenses because they liked to fish, and these men now are not taking out licenses at all—they say it is not worth their while. Martin Owens told me that in his best day he killed eight salmon and lost five others; in my best day I killed two, and I am sure I fished much more frequently than Martin Owens, and he gave up fishing because he said it was no good.

Chairman.

11939. He gave it up more than ten years ago?—About nine years ago. Then I think the remitting of fees is one of the worst causes of the increase of poaching. The fines are constantly remitted, and I am told that it is perfectly ridiculous, in fact, I understand that our Board of Conservators absolutely refused to bring any more cases, for they said that it was not worth their while, for the fines were always remitted, and they could not afford to bring the cases. And with regard to another cause of the fish getting less now, there is the other. Last year I saw myself thirteen others on the river here, and there is no doubt that these others are doing a great deal of damage. We did manage to shoot some of them, I have two other traps, but I have had no success with them, and the river is simply full of others.

11940. Is it known to men interested in other trout-
ing that this is so good a river?—I don't know that

Chairman—continued.

it is good for other hunting. It is too deep. It is not suitable for other hunting. Of course we are always told that the worst thing in the whole Shannon is the Lax Well. I have no personal knowledge of it, but if half of the things one is told about it are true, it must be an awful thing, and calculated to destroy any salmon river. With regard to the Board of Conservators, lately they have written to us and suggested that we should have a monthly meeting here in Athlone. At present there are no meetings here.

Mr. Green.

11941. You are an ex-officio Conservator?—Yes, and it is most difficult for us to get to Limerick. It is a very cross-country journey, very difficult to get there, and they suggested that we should have a meeting here. Well, in former years there were meetings here, and I understand that that practice was given up ten or twelve years ago, simply because the people at Limerick never paid the smallest attention to anything that the people up here suggested or passed, and those people that I have talked to on the subject don't see that there would be much use in starting there again, because anything that we have suggested to the Limerick people they have paid no attention to whatsoever. They don't at all seem to understand that we who live at these upper waters are preserving the greater part of the spawning beds of the Shannon river, and have very little fun for our money. We fish for three or four months, and we get at the most six or seven salmon, whereas down below they have valuable fisheries at Castleconnell and places of that sort, and they give us very little encouragement here. They allow us very few men to watch these spawning beds, and give us very little assistance in any way.

11942. I take it that the Board, perhaps, as a Board of Conservators, is not constituted as perfectly as it might be, and in the next place that the river is too long for one Board?—Personally, I think it would be very much better if the Board of Conservators were abolished altogether, and if the Department took the matter up themselves, and that all those people who are officially employed should be taken over by the Department. I quite agree with what has been said about prosecutions, that it would be much better that it should be done by a Government Department, and then the police would be much more likely to give even greater assistance than they do now.

MAJOR ROBERT J. W. MAXWELL, R.A.M.C., continued.

Chairman.

11943. Where do you live?—I am quartered here in Athlone at present.

11944. Are you a fisherman?—Yes; I have been fishing ever since I was able to hold a rod.

11945. We should be glad to hear anything you can tell us, or any suggestion you wish to make?—I have made some notes by way of answers to the different queries, and perhaps you would allow me to read them.

11946. Yes, please do so?—Question No. 1 is as to how the tenets are using their newly-acquired fishing rights. With reference to this question, I have no actual experience of a river, formerly preserved, of which the fishing rights are now transferred to the riparian owners. What I imagine would happen is that the fish, so long as they were any way plentiful and easy of capture by poaching methods, would be caught by a few of the locals, and when the head of fish reached the level of most unpreserved rivers in Ireland, it would become deficient, and no interest takes in it except by an occasional rod fisher. Often I think poaching is looked upon in this country as a firm of sport and not for profit; the excitement of catching the fish on the one hand, and the off-chance, very remote, of a halfpenny turning up on the other, is fascinating to some, and it relieves the monotony of a country life. I have heard of even a constable while on duty

becoming so excited over a salmon he saw in a river that he drew his sword hilt and joined in the fun with the rest. When remonstrated with, all he could get out in his excitement was "Man, man, he was right as big as a dog." With regard to No. 2, to my mind two methods of preserving and developing the fisheries under the new conditions present themselves, first, the Government to take over certain of the rivers, and second, to enable the tenant farmers' interest in the fisheries. Let us take proposal No. 1 first. The Government, with the present machinery, could do an enormous amount to protect the rivers by allowing the constabulary to watch them more than at present. It is well known how domesticated and how fond of his fusille a poacher becomes when he thinks the police are on his trail, the local habit is much more easily dodged or bribed than the ordinary constable. I believe, were the police given a free hand, habits might be almost done away with, or, at least, greatly reduced in numbers. The money so saved could be used for encouraging scientific fishermen, of whom there are always one or two on every river, to start, with the aid of a small subsidy, local hatcheries. With strict and proper protection these rivers would soon have a stock of large trout in them. Advertisement would bring fishermen who would willingly pay large sums

Chairman—continued.

by a well protected and stocked river. The gains so obtained might be divided amongst the holders of the fishing rights. I have frequently met Englishmen, disciples of the rod and line, who, when asked why they did not take up fish rivers in Ireland, "No man; you can't preserve fish or feather in Ireland." This brings me to proposal No. 3, viz., how to excite the interest of the tenant farmer in the fisheries. How can it be done? The most natural way is by letting him see what a gold mine is at the bottom of his river; the suggestions made above for the proper protection and developing of the fisheries and the rent obtained would, I maintain, soon, as the song has it, "make his eye-balls glaze," and the problem of developing and protecting the fisheries would be solved. At present it is ignorance of their value makes him apathetic and careless; also—and this is a serious item—lack of proper protection for life and property in this country; I have discussed the subject of preservation of game, fish, feather and fur in this country with the farmers, and find them, on the whole, very keen to assert their rights, but they protest that from good nature they would not like to stop "the boys" poaching; if poached, when no one is near, they will admit that fear of getting a bad name with their neighbours, and the dread of boycott, really accounts for their supineness. For this reason the tenant farmers are absolutely helpless; they dare not turn off the professional poachers, who is generally a zealous, well-to-do, and the only too-ready tool of any ill-disposed person who is willing still able to pay for his services to avenge some petty spite. For these reasons the modest fish in the shape of Police or Water-Ranger Scheme, sketched later on, must wait itself, till better days come when a man can do what he likes with his own in Ireland, and not be hounded from the society of his fellow-men for doing so. The fourth question is: What part the Boards of Conservators could take in the preservation and development, and how far their resources are adequate? The Boards of Conservators have done and can do a great deal more towards the developing of the inland fisheries, but I am afraid, that up to the present most of their energies have been expended in preserving and developing only the salmon, his cousin, the trout has, to a great extent, been left out in the cold. It is only natural that the most valuable fish should receive the most attention, and, consequently, the most money, but while admitting that the salmon is the most valuable, still he is only so to a comparative few, who are generally men or syndicates of substance and wealth; the trout, on the contrary, is largely a poor man's fish. I venture to assert that the number of men who make a few honest shillings, as independent fishermen, for trout, is more than double that for salmon. I believe that the value of the trout taken from Lough Ree, near by, annually runs into hundreds of pounds; if that be so in one lake, surely the collective value of the trout caught annually in the lakes and rivers of Ireland must reach a very large sum of money. Notwithstanding, I venture to say the amount of public money spent annually in preserving and developing trout fisheries is not anything like in such proportion to its value as that spent on salmon. If it be granted, then, that the trout fishing is such a valuable asset to the poor man and the country at large, surely much more might be done to protect and develop it. In another way, it seems short-sighted policy for the salaried salmon fisher not to encourage his poorer brother, for if he gave him a larger slice of the leaves and fishes he, in his turn, would help to protect the salmon rivers, and so be the best friend of *Salmo Salor*. As to the adequacy of the Boards of Conservators' resources, I have only a certain amount of knowledge; so far as I can judge the sum available for bailiffs is not nearly sufficient; the large amount of water our man is supposed to look after renders his supervision nigh to a farce, and his payment almost a waste of public money.

Chairman—continued.

It would require enormous expenditure to protect adequately the salmon and trout carrying rivers, even in this district. This is a duty which can only be performed efficiently by the man permanently on the spot, such as the common policeman. Again, I think the class of men employed, and the conditions of their service, are not at all satisfactory; large numbers of men in their ranks are men with local interests, and, in my experience, this class in Ireland for bailiffs' duties are, with few exceptions, useless, the hope of sympathy with their neighbours, and the temporary nature of their employment, render them stupid to carry out their duties. Again, is it not a fact that many magistrates do not appreciate the enormity of poaching and the loss it means to the nation, and consequently assume merely criminal fines, which in no way hinder the offenders, paralyse the arm of the law, and make a laughing stock of the bailiff? Should not the water-rangers of Ireland be a permanent Government Service, with sufficiently high pay, emoluments and pension to attract men of the R.I.C. standing, or better, who should never leave where they had local interests, and never be left long enough in one place to contract them? These men should receive a scientific training in poach-out and the different methods and engines used in illegal fishing, they could then be sent to run local hatcheries, if necessary, and be expected to perform their duties intelligently. If properly handled and trained, with expert de corps, hope of advancement and permanent employment to urge them on, they would take a pride in their duties, and the public would receive good value for their money, which at present, if what I say be true, is in many instances largely expended on an inefficient executive and an administrative often helpless and devoid of control. Further, the water rangers could be quartered in the police barracks, and be empowered to invoke the assistance of constabulary more than at present is the case, and render their reports through the R.I.C. District Officer to a central authority. This may seem a counsel of perfection, but "desperate diseases require desperate remedies." As to Question 5, in regard to poaching, I am afraid poaching of larger trout in the outlying rivers has fallen so low that it has received the reward of its misdeeds, and died of inanition. In the lakes it lives a more healthy existence, and in a lake not far from here large numbers of trout are said to be caught (and, from what I hear, I believe it true), put alive in ponds during the remainder of the close season, and shipped to London or elsewhere when the season opens. Well, gentlemen, I have no documents to lay before you in proof of this statement, but if you will obtain from the Railroad Company a memorandum of the shipment of the boxes of fish sent away from here at the beginning of the season, I think that you will be more than satisfied that my statement is correct. If this happens here, under the nose of the bailiffs, it surely happens elsewhere where the species bailiff seems to worry. The destructive effect on the fishing can easily be imagined. Salmon poaching is, I believe, carried on in a desultory manner all the year round, in spite of the present system of supervision. To put a stop to this, the best method seems to be to awaken the tenant farmer's interest in the profits to be made, and either allow the police to assist him, or form some such corps as I have sketched out above. These remarks may seem to you wide of the mark, and very crudely put together, but I have fished in Ireland all my life, when my duties permitted (so I have considerable experience), and they have, at least, the advantage of being honestly meant, and what I believe to be true.

Chairman.

11145 We are very much obliged to you for the trouble you have taken, and what you have placed before us is very suggestive. Thank you very much.

25th November, 1911.]

Mr. J. GIBBINS SIMON, further examined.

[AYLSHORE.]

Chairman.

11948. As you are a member of the Conservations of this particular district, I thought I would just like to ask you, as you have heard the evidence, do you agree with the idea of dividing the Shannon into two districts, so that there might be two separate Boards? Have you got any ideas about that?—I think it is a thing that you would have to be exceedingly careful about for certain reasons.

11949. Then, have you got any further ideas that you would care to give us with regard to the action of the police in protecting the upper waters?—I should like to finish on that first point. I think that that question is one which you would have to be exceedingly careful about, for this reason, which is one of the main reasons, that you have very few elections.

11950. Very few licences?—The main part of your licences would be derived from one practical provision which you can understand, and that would simply mean that if you put up a separate Board here, you would put into the hands of one man the power of electing it.

11951. You would make a one-horse affair of it?—Yes, and that man could put on whom he pleased.

11952. And there might be a possibility of fisheries being ill-treated?—I suppose there might, but in my evidence which I gave I endeavoured to show that the existing Acts should cover everything, so that there should be no necessity for any new Act, all my suggestions coming under the existing powers which you have already got.

11953. There is this to be said in connection with that question of dividing a river like the Shannon, that the Conservations of the upper reaches would have

Chairman—continued.

absolutely no voice whatever in the action of the Conservations on the lower part, whose interests, of course, might be quite different?—Quite different.

11954. And they would never think of your interests?—No.

11955. And a great portion of their effort would be, of course, in support of their interests entirely, and you would furnish the spawning beds?—Exactly.

11956. While they would kill the fish?—Exactly.

Mr. Calderwood.

11957. So that without some very adequate supervision on the part of the Central Body (you suggest the Department in Dublin) it would be a quite unworkable system?—It would be quite unwise, and I doubt if it could be worked.

Mr. Green.

11958. Have you anything to add with regard to the police?—A good deal of reference has been made to the police, and I think it is pretty well covered.

11959. In your paper?—I think so.

11960. You gave us an indication of where the bailiffs in this district are situated?—Yes.

11961. There are something about twenty of them?—Twenty-one, the seven permanent bailiffs and the fourteen extras.

Chairman.

11962. I am glad we took your evidence so fully. Now, this closes our enquiry here.

The Committee adjourned.

TWENTY-FIFTH PUBLIC SITTING.

FRIDAY, 15TH DECEMBER, 1911.

AT 10 A.M.

At the Courthouse, Limerick.

PRESENT:

THE RIGHT HON. SIR DAVID HARRIS, K.C.B., K.C.V.O. (Chairman).

THE REV. JOHN PORTLAND MARAFTY, D.D., M.B., C.V.O.
MR. SEYMOUR GWYN, M.P.

MR. W. S. GREEN, C.B.

MR. R. H. LEE, Secretary.

Chairman.

After the number of public sittings which we have had in different parts of the country, it is scarcely necessary to say how what the object of this inquiry is, but shortly I may mention that the primary duty of the Committee is to inquire into the circumstances of those riparian proprietors who have become such, owing to the passing of the estates from the landlords to the tenants. While that is our primary duty, we

Chairman—continued.

have felt ourselves justified, in fact obliged, to go into a number of circumstances indirectly bearing upon the general condition of the new riparian proprietors, but more directly affecting the general interests of the different rivers regarding which we are inquiring, and the circumstances of those rivers. Mr. Hosford, I see you have mentioned as a witness, and perhaps now you will give us your evidence.

MR. R. H. PEE HOSFORD, examined.

Chairman.

11963. You are Clerk to the Conservations?—I am Clerk to the Limerick Board of Conservators, Number 8 District.

11964. What does that district comprise, shortly?—It is the whole of the Shannon from the source in Lifford down to the mouth in the County of Kerry

Chairman—continued.

and Clare, and it is divided into six Electoral Divisions, A, B, C, D, E, and F.

11965. How many elected Conservators are there?—I have handed in a list to the Secretary already.

11966. I want it on the table, if you please. It is the numbers I want, if you can tell me?—There are

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Mr. R. H. Fox Hovenden—continued.

[LONDON.

Chairman—continued.

about forty-four ex-offices that I know of. Every magistrate having land abutting on a river and holding a licence in an ex-office Conservator, and, of course, I don't know those only when they send me in notice that they have the Commission of the Peace, and then when they attend the meeting questions are put to them.

11967. There are about forty-four of those?—Yes.

11968. That is ex-office members?—Ex-offices.

11969. But I was asking about elected Conservators. How many of those are there?—Twenty-four.

11970. And that would be four for each of the six Electoral Divisions?—No, that would be six for the Electoral Division A, six for the Electoral Division B, three for the Electoral Division C, three for the Electoral Division D, three for the Electoral Division E, and three for the Electoral Division F.

11971. Now, are those alphabetical Electoral Divisions in order of sequence from the source of the river or from the sea—where does A begin?—A begins at the mouth of the Shannon, and the others are in order of sequence up the river to the Electoral Division F.

11972. Now, where do you meet and with what frequency?—The first Wednesday in every month a general meeting is held in this Courtroom.

11973. Do you meet anywhere else except in Limerick?—Nowhere else, sir.

11974. How do the elected and ex-office members of F convey their ideas to you, do they come here to the meeting?—They come here to the meeting.

11975. Do they attend regularly?—I am sorry to say not so much as I would like.

11976. Are their expenses paid?—No, sir.

11977. They come at their own expense?—They come at their own expense.

11978. In fact it is almost a two days' business for some of them?—It would be.

11979. Has it ever been suggested that there should be meetings of the Conservators at places other than Limerick?—At one time, sir, many years ago, for the Electoral Division of F the Conservators there attended a meeting here, and they spoke of the distance and the want of interest in the locality, and they asked to have a certain sum yearly allowed to them for protection, and that they would manage that portion of the district. Now, that is Athlone, and the Board granted it and gave it to them, and increased the annual allowance, I think, about £300.

11980. Is that allowance still being paid?—No, sir; I am just coming up to that. They went on for years, and they had their meetings in Athlone, and then they had their meeting a week before court, and they sent us the results of this meeting, and they were read at the meeting here and contradicted; but I am sorry to say, whether it was politics or religion I don't know, but I believe it was politics that came in, and the Conservators there wouldn't look at each other at the same meeting. I went there twice to try and get them to come together and forget everything but the preservation of the fish, but I failed, and the meetings then lapsed.

11981. And the grant?—The grant goes on, but of course we put out balliffs there under the head balliff.

11982. Is there a local account sent in?—We put them into the regular balliffs' account, but I might say that at present I am in correspondence with eight or nine influential gentlemen in that district to try and start that committee again, and from my correspondence it looks very likely, and I think that they will start, and that very soon.

11983. You wish to start the committee in what form?—A sub-committee, and it would be very much more satisfactory.

11984. Now, what is the mileage of the Shannon from its source to the sea—I am not speaking of the tributaries, I mean from what you call the direct source of the Shannon to the sea?—I think it would be about 1,399 miles.

11985. That would be including the tributaries, I presume?—Some of the tributaries, but not all. Some of our Conservators say there are several branches and that the total would be altogether about 4,000 miles.

11986. Now, you mean that there would be 4,000 miles of tributaries and the main river which require

Chairman—continued.

attention either in the spawning season or during other times of the year?—More especially in the spawning season. That is what the Conservators say, sir, but I cannot form myself say that.

11987. Now, tell me how many balliffs there are employed on that mileage of river of, roughly speaking, 4,000 miles?—In the open season there are about twenty-six, and in the spawning season, not all continuous, but when they are required, about thirty.

11988. I see in this return you state that the exact length of the river Shannon proper, from the source to the sea, is 170 miles, from Lough Allen to Limerick?—Yes.

11989. Now, Mr. Headford, I wish to ask you in the first place, what is the revenue at the disposal of the Conservators?—I can tell you what the license duty amounted to during the year.

11990. Tell me the entire sum first?—The entire sum would be £8,500 10s. 10d.

11991. That is the entire sum?—Yes, sir.

11992. Now, how is that composed?—License duty, £3,340, the amount of fines would be £151 13s. 6d.; interest from the bank, £11 2s. 9d.; sale of otters (that is, forfeited engines), £9 2s. 6d.; amount of ten per cent. rate, £143 10s. 6d.; subscriptions received, £748 8s. 6d.

11993. I see that the rates on the valuation of the fisheries amount to £445 10s. 6d.?—Yes, sir.

11994. That is the ten per cent. rate?—That is the ten per cent. rate.

11995. On the valuation of the fisheries?—On the valuation of the fisheries, but that sum includes a small amount of arrears from the year before.

11996. Does it not appear from this that the valuation of the fisheries of the Shannon is extraordinarily small?—Well, sir, the Conservators are of opinion lately that some of the fisheries are not on the Poor Law list, and I have corresponded with the Department and given them the names of several places to find out why they are not on the Poor Law list. I am furnished every year from the Department in Dublin with a certified copy of the Poor Law Valuation which I am obliged to have in Court if necessary to prove.

11997. But is it not the privilege or the duty of the Conservators to apply to the Commissioner of Valuation to have a fishery valued?—I have done that, sir; it is before the Department at present.

11998. When was that done, within what time—is it quite recently?—Two months ago.

11999. Because it strikes me as being extraordinary that the ten per cent. rating on the valuation of the fisheries of the entire Shannon should only amount to £445 a year?—Well, the owners think it is too much, and they are trying to get the valuation reduced.

12000. But there must be nine-tenths of the owners whose fisheries are not valued at all?—I think there is a lot of the water worthless, and of course there are some people that I fear are not on the list, but we are now in a position to say whether it will be so or not.

12001. If you are so very hard up for funds, and there is so little to spend in the way of protection for the river, it strikes me that this is a matter which might be pursued rather vigorously?—And so we are. And I am determined not to drop it till I see who is or is not on the list, and why they are not, and I will have one case before you to-day.

12002. The balance in hands at bank is £1,394?—Yes.

12003. Was that kept to meet any extraordinary contingencies?—The following year.

12004. Yes, but the following year you would have the income of the year?—The idea of the Board was that the license duty should not be touched for the year it was collected till the following year, because the third year we go out of office and we are bound to hand over the license duty for that year to the new Conservators. That we have not been able to do; for instance, we were able to hand over there only £1,394, and it should be £3,500.

12005. Are you obliged to hand over to the new Board of Conservators the revenue derived from the previous year?—Quite so, that is the understanding.

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Mr. B. H. Fox Bosworth—continued.

[LONDON.]

Chairman—continued.

12006. Well, then, as to the subscriptions, where do the subscriptions come from?—Well, from the Department the principal sum, provided we make up a certain sum, and we did up to the present. They very nobly helped us in giving us £500 and more provided we made up a certain sum.

12007. Then of this sum of £748 the Department contributed £500?—Very much so. I will give you the particulars for the years 1908, 1909, and 1910 under three heads, one for the upkeep of the steam launch in the Upper Shannon mainly, the other the Grant of the Department, and the third for the Feale and Cashin committees. But I may tell you before we go any further that I have no hope of making up the money. The Department now offer £300 more provided I can make up £150, and I will be able in saying that I cannot make it up. I have sent out 400 or 500 circulars and all I could get is £88. I can't get the balance.

12008. From whom did you get that £88, what classes of persons subscribed?—Ex-officio, the landed proprietors.

12009. Are they interested?—They are. They were principally Lord Dunraven and the Commissioners of Public Works, and Mr. E. F. Ingham, who is here in Court. All I can tell you, sir, is that I have sent out certainly 400 or 500 circulars, and I can't get up the balance from £88 to £150.

12010. How much did the Commissioners of Public Works contribute?—£12. And I am going to add, furthermore, that I have no hope for coming years of getting any subscriptions except from Lord Dunraven, the Commissioners of Public Works, and, might I say, Mr. Ingham. I never yet asked him for money that he did not give me. I have no hope for the future, unless the Department offer me a sum of money to make up the amount that would be required.

12011. Before we get away from this branch of the question, would you tell me how you any suggestions to make as to the constitution of the Board of Conservators, for it is quite clear from your description of the Shannon that from Athlone to the source, the Conservators, either ex-officio or elected, do not attend here?—Not as regularly as I would like.

12012. Isn't the reason of their non-attendance the fact that it would in many cases cost them two days of the week to come here, and it is scarcely reasonable that gentlemen who are merely in a public capacity should spend all that time in coming to Limerick to attend the meeting of a Board of Conservators?—So, have you any suggestions to make as to the constitution of the Conservators, elected and ex-officio, and in the first place with regard to the elected members. They are elected by the license holders?—Yes, quite so.

12013. Now have you anything to say about that?—Nothing, sir.

12014. When an estate passes to the tenants, and when tenants become new riparian proprietors, do you consider that they would get any representation from gentlemen elected on the Board of Conservators by the license holders?—They may and they may not; I cannot answer that question.

12015. Of course if they took out a license they would have a vote?—They would.

12016. Then would you oblige every new riparian proprietor to take out a license whether he was a fisherman or not?—Yes, if he wished to vote.

12017. Have you ever thought of that, and how these people could be represented?—I am perfectly satisfied that these people who have a small interest in fishing in the way you suggest would not lose £1 taking out a license. They would not put themselves in the position of paying money to get a vote.

12018. Do you see any alternative to that, for I agree with you that a man who was not a fisherman would not take out a license for the purpose of having a vote, and if he did not take out a license under the present circumstances of the constitution of the Board, he would not have any representation whatever on the Board of Conservators?—No.

12019. Has it crossed your mind ever to think, sir, with this changing state of things, whether any scheme can be devised to meet that difficulty?—I never thought over it, but I might tell you that some years

Chairman—continued.

ago, many years ago, about 1907, the different District Councils were approached, 400 of them, and they were asked if they would put on a rate of a trifle in the £ to augment the funds of the Board, and that they would have representation there, and out of the whole lot I only got one reply from Glan, from Mr. Pegum, who is, I think, here, and he offered us £8 a year.

12020. You know that the Councils are empowered to do so by statute?—Quite so, and it was upon that that I was ordered by the Board to send out the circular.

12021. Do you also know that the conditions are, that each district that contributes should have a representative on the Board?—I reminded them of that in the very circular, but the only reply I got was one from Glan.

12022. Supposing they did respond, and took advantage of their right to representation on the Board, did you figure out that there would be 120 representatives on the Board?—I did not, but I would not be surprised to hear it.

12023. And Mr. Green reminds me that the number would be 400, so that there is not much relief to be looked for in that direction?—You might just write it down as nil.

12024. I suppose it was never considered as worth while to ask the District Councils for any protection in view of the fact that on the valuation of the fisheries they would themselves get a rate?—No, I don't think it was put to them that way, but it was thought that if they put on a rate that would not touch their own pockets personally it might bring in some money, and that they would have representation, but, as I told you before, the result was nil. There is no interest taken in fishery matters by such people.

12025. Now, as regards the ex-officio members. We have done with the elected members, and you say you have no remedy to suggest with respect to that?—None, sir.

12026. They are to continue to be elected by the license holders?—Yes; and we are trying to get up a sub-board at Athlone. I am in correspondence with nine leading gentlemen there, and they will have others, and I am hoping, within the next two months, to have the sub-board started again.

12027. On the same conditions as before?—Yes.

12028. Now, as to the ex-officio Conservators, you say that they don't attend the meetings?—Some of them do, and take a great interest in it too.

12029. But they do not go so far as to subscribe much money?—No.

12030. Their interest does not rise, as a rule, to coin?—No.

12031. Now, as to the licensees, do you charge the maximum for all licensees?—I think so, sir.

12032. That is, £8 for each?—I don't think you could increase that.

12033. Do you charge the maximum?—State nets are £30, the nets in the Lower Shannon.

12034. I mean that the £8 is the maximum by statute for the other nets?—Quite so.

12035. Do you charge the maximum for all licensees?—We do.

12036. Do you think that the license duty is capable of readjustment?—I am satisfied that it is not.

12037. That it is not?—No.

12038. You think that more should not be paid?—I am afraid that they would consider it very harsh if they were asked to pay more.

12039. Do you think that all nets which are now charged a license of £8 are equitably in the same class?—I do.

12040. Do you think that a drift net and a draft net should pay the same license duty?—Well, that is my opinion.

12041. And that, having regard to the profits and everything else, they are taxed equitably?—I do.

12042. Then a snep net is not charged as much?—£1 10s.

12043. That is half?—Half, and that is divided between four men. There are four fishing a snep net.

12044. Now, as regards the rod and line fishermen, what is the rod license?—£1 each.

12045. Do all the men who fish in the Shannon, as far as you know, and have license to fish with rod and

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Mr. R. H. POE HOBBS—continued.

[LIMERICK.

Chairman—continued.

the Shannon, take out their licence in the Shannon Conservators' district?—No, they do not, and they have often threatened they would go to other districts, and I wrote to the districts asking them not to leave the Shannon, and they refused.

12046. Of course, every district will issue a licence to any man that pays them £15?—No doubt.

12047. Do you mean that he takes out a licence in another district because he gets to fish in the Shannon?—No, but they come here and fish, having taken out licences elsewhere, and that is what we want to prevent.

12048. Have you any remedy to suggest for that?—I am afraid it would be a harsh one, that if a man took out a licence in Cork district for fishing he ought not to be allowed to fish in Limerick.

12049. Would you require them to take out a licence in every district where they fish?—Well, for the sake of the Limerick district, but, as I say, it would be rather harsh.

12050. Would it do to require them to get their licences combined, and to pay something extra on them?—That might meet it.

12051. To pay, say, 4s. or 10s.?—Oh, 10s. at least.

12052. You think that would be worth something?—Of course it would.

12053. Suppose he took out his licence in Cork, and came to Limerick to fish, he would have to present his licence here at the Conservators' office in Limerick and get it endorsed?—Yes, on paying 10s.

12054. Now, have you anything more to add in addition to the answers you have already given on the subject of the constitution of the Conservators, and the scale of licences?—I don't think I have.

12055. Now, as regards the supply of fish here, is the fishing better, or do you think that it is not so good on the Shannon as it used to be?—I could not answer that question, because I can never tell the truth. They always deny what they catch, but, putting all I have heard together, I can form an opinion.

12056. I suppose that, with your experience, you could pretty well discount the best?—I am afraid to fishermen will tell exactly what he caught.

12057. Well, I don't think that can apply to rod fishermen at any rate?—No.

12058. Then, what is your opinion as to the supply of fish?—My opinion is that the supply of fish has increased.

12059. Is that, now, line fishing as well as rod fishing?—I would say all, sir.

12060. All?—That is my opinion.

12061. As regards the size of the fish, what have you to say, Mr. Hobbs?—Well, Mr. Ingham will give you evidence, and I really prefer that he would say something about that.

12062. Now, in addition to sending out a circular to persons from whom you think you might get subscriptions, and also submitting to the Department's request that the Commissioners of Valuation might be asked to value fisheries on the Shannon that are not valued at present, have you any suggestions to make as to how the funds of the Conservators could be increased?—Well, sir, there are large sums of money voted by Government for different improvements, and we think, in the case of a public body, while there are so many people employed on the Shannon, and causing their livelihood out of it, that we ought to get money to pay salaries and protect the interests of the Shannon.

12063. Then, in point of fact, it means that, that you look to public money to preserve the fisheries of the Shannon for an increased benefit?—To the public at large.

12064. Not to the public at large, but all the particular people who own the fisheries, and whose profession it is to fish?—Quite so, but there are a whole lot of people living out of the fishing, and if they have not the fish they can't, and we hold that we ought to get some out of all that money that is going for everything—eggs, and farming, and one thing and another.

Mr. Gwynne

12065. How long ago is it since you made the experiment at Ashmore?—Well, I could not tell you exactly the time, but I know that when it was started there it was very successful, and that the Conservators did their duty regularly, and they certainly

Mr. Gwynne—continued.

looked after the billfish there. The first step they took was to get a head water hind to look after the others, a very practical step, and the first year they tried two or three, and then, when they got what they considered a satisfactory man, he had fifty convictions in the one year, not for one class of illegal fishing, but he went for everything, and in the next year he had, I think, forty-nine convictions, and from that time he has kept up the number.

12066. When was it dropped, was it in the eighth or the ninth, or more recently than that?—I would say it would be in the ninth, but, as I told you, I have every hope of getting the committee to start again.

12067. I may take it that you say the total valuation of the Shannon fisheries is only about £1,500?—I am sorry I did not bring down the Poor Law Valuation.

12068. That is according to the ten per cent. rate, which you say gives £145, and then you say there are some arrears, so that would put it at £1,300. Does that include the valuation of the Lax Web, to begin with?—It does, and all the old fisheries.

12069. And all the fisheries from this up to Killakee?—Certainly. I don't think that when the thing is investigated very closely there will be much addition, if any.

12070. Is there not water lot at Castleconnell?—Oh, there is, sir.

12071. I mean, have you any data to go upon? Does anybody else fish between this and Killakee?—Oh, I couldn't give you any evidence about that.

12072. Upon what is the estimate value based, and how is it arrived at?—I have told you that when the valuation is put on a fishery, the owner of the fishery is entitled to deduct the cost of the number of licences he takes out, and then to pay the balance. Supposing now, that the valuation of a fishery would be £150, the ten per cent. rate upon that would be £15, and then if he took out, say, seven licences, he would deduct the cost of those seven licences from the rate on the Poor Law Valuation, and pay the balance in money.

12073. Does this figure represent an estimate?—No, it does not.

12074. Of the letting value?—No.

12075. What does it represent?—It merely represents the net cash paid.

12076. Take any one fishery; take, for instance, the fishery below Castleconnell, Decuman?—That belongs to Colonel Westrop. His valuation is £340, and whatever licences he takes out, and he takes out one, it is deducted from the ten per cent. rate on the valuation, and he pays the balance.

12077. The £340 is put down, I suppose, as being, roughly speaking, the letting value of the fishery, minus the cost of protection?—Yes.

12078. And all the rod fisheries on the Shannon are estimated in the same way?—In the same way. I think you will have some evidence here about that later on.

12079. With regard to subscriptions, when you are applying for subscriptions, do you get any subscriptions at all from anglers that come here?—Oh, we do, 10s. and 5s., and £1. I have to beg it, and to watch every opportunity.

12080. Have you any machinery for applying to people coming to fish here?—Well, I would not mind, and first the applications went in my own name, but lately I adopted a method of getting a committee to sign them, thinking it might have more influence.

12081. Is the circular sent out to every man who takes out a licence in the district?—It is. To some I get replies, and to others I do not.

12082. And do you take steps to have posted up in the fishing hotels, and so on, lists appeal for subscriptions?—No, sir, that never struck me.

12083. Would not that be an admirable thing to do?—Well, I am sure the Conservators might do that.

12084. I want to arrive at the number of men who are earning a living on the Shannon. There are four men to a crop net?—Yes.

12085. How many men to a drift net?—Three.

12086. And to a drift net?—Three.

12087. And what are those pale nets?—Well, I can't give you the particulars.

12088. Are they worked by one man?—You will get that information later on.

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Mr. E. H. Fox Horsman—continued.

[Limerick.]

Dr. Mahaffy.

12089. With regard to all the salmon caught about Limerick, are you concerned as to where they are actually sent?—No, sir, I am not.

12090. Now, those salmon which you are speaking of all go to London or other places in England?—Principally to England.

12091. And principally from Limerick?—Principally from Limerick; yes.

12092. Now, you say it would be a very harsh thing to raise the licence, but when you say it is a harsh thing you don't say it is an unjust thing?—Oh, I would not say it was unjust, but I know that the poor owners would consider it very harsh if they had to pay more than £30 for a weir licence. They all say that is quite enough.

12093. Of course they would all say that, in any case, if they only paid one-tenth of the amount, but surely that is not an answer to satisfy you?—Well, I always thought that these prices were quite enough.

12094. Don't some of the people fishing with nets make a considerable profit, and don't they catch a good many salmon in the year?—So they do, and, perhaps, as a proportion, the snags net men get more.

12095. And what is the cost of the licence?—£1 10s.

12096. And do you think that is right?—Well, they say very poor.

12097. That depends on how they spend it. There is an increase in the fishing generally, but have you noticed any diminution in the summer fish, as the perch?—Last year was a bad year, but other years they come up in great abundance, and they are caught in those nets.

12098. And there is no diminution of them?—No.

12099. Do you put on baillies only up the river, or do you have baillies watching the river down to the mouth?—Baillies on the whole district.

12100. Down to the mouth?—Yes.

12101. And below Limerick, out in this broad water, you have a good many baillies down there?—During the open season we require them there to see that the fishing is carried on legally, but my experience is that they are totally unequal to the work, in consequence of the wideness of the river. However, I will give you evidence about this later on.

12102. Now, is there any other fishing in the river in the way of sea trout, that is worth considering, or is it at all a sea trout river?—There are a good many of what we call white trout coming up, and one must pay licence for fishing for white trout.

12103. Is it a fishing that is worth considering; is it a big item?—Oh, no.

12104. Have you anything to say about any poisons in this river; I suppose there is no poisoning or anything of that kind here?—In the Feale and Coshen district dreadful poisoning, and the use of dynamite, in fact, and that portion of the district is completely upset.

12105. Where is that?—In the Feale and Coshen. I think you had a sitting at Linstown lately, and heard about that district, and the very police were attacked there the other night, and the arms taken from them.

12106. That is at one of the tributaries, that is not in the main channel?—No, but it is a very important tributary. Baillies have been fired at over and over again there, and the inspector, who is here, will give you more evidence about that.

Mr. Green.

12107. You have got some notes of other evidence you wish to give?—I have.

12108. I think it would be better for you to give it then, and tell us what you wish to say before we get to other witnesses?—The first is an idea of mine, that the Board of Conservators should be under the control of the Department of Agriculture in Dublin, and that the Clerk and the Inspectors of the Board should also be under the control of the same body.

12109. That would practically be wiping out the Conservators altogether, would it not have that effect?—I would not say that it would wipe out altogether the Board of Conservators.

12110. But would it not take away from them all their responsibility?—Well, we all require, in Ireland, some head to keep us straight and right, and I would feel more happy, as the Clerk to the Board, but I know this is my own opinion, independent of anybody

Mr. Green—continued.

else. I came here to give it to you, that the Board of Conservators ought to be under the control of the Department in Dublin, to whom an appeal should be made if there was anything going wrong in the district, to have it set right. I don't want you to take over the position altogether, but, simply, I would have some head in Dublin that we would write to if there was something going wrong, to make our complaint, and let them investigate it or not; and I think also that the Department should make regulations in the guidance of the Clerk and also of the Inspectors, and let us know, in their printed rules, what is and what is not to be done. I have handed in a list of my suggestions there, so that there may be no mistake about it. The next is one that all cases for illegal fishing at Petty Sessions should be heard only by a Resident Magistrate in the district, and appeals should not be made to Quarter Sessions, but to the County Court Judge, who should sit alone and hear the cases. I am quite positive about that from my long experience of the way things have gone and are going. Another point is that any Conservator convicted of a breach of the Fisheries Laws should not be permitted to act as a Conservator for the remainder of his three years term of office.

Dr. Mahaffy.

12111. That he should not be eligible?—That he should not be eligible.

12112. But, after the three years are over, under your plan, might he not be re-elected?—After the three years of our sitting, if he were re-elected, of course he comes on with a clean sheet again.

12113. Is that what you call a clean sheet?—I am afraid not. Then I say that any Conservator convicted twice for a breach of the Fisheries Law during his three years term of office should be deprived of his licence to fish. That looks very hard, but that is my opinion. The punishment for illegal fishing should be imprisonment, without the option of a fine. The next suggestion is in connection with the Constabulary. We would like here to have the Constabulary to protect during the close season, for the two or three months, for really the baillies are not able to do it. I cannot speak too highly of the Constabulary for the assistance they have given and the number of convictions they have got, and I would like to say here that I read in one of the papers that at the Athlone Sitting my friend Colonel Chastillon stated that the police formerly got a portion of the fine in poaching cases, but now that has been done away with. The Colonel must have been misreported, or he has made a mistake. The Constabulary got the entire amount of the fine from this district, and this district was the first to propose it to the Inspector-General, but in those days we began by sending the money to the members of the Police Court who proved the cases. Later, however, the Inspector-General has made a change, and he has asked to send him the money and that he would divide it among the police as he thought best. I presume that is what Colonel Chastillon was referring to.

Mr. Green.

12114. It goes into the general fund?—I think they get a favourable record and they get a portion of the fine. The next point I would put forward is with reference to the reduction of fines on a memorial presented to His Excellency the Lord Lieutenant, and it has a most disastrous effect on the district.

Dr. Mahaffy.

12115. We have had that everywhere, Mr. Horsford?—These memorials are signed by friendly magistrates, without any reference to previous convictions against the memorialists, and are also signed by magistrates who did not hear the cases at Petty Sessions, and, and by magistrates who sit in other districts altogether, for they are all ready to sign. The cases are dismissed first by a majority of the magistrates, then an appeal is lodged to the Quarter Sessions, when the decision of the magistrates is reversed, but a memorial to His Excellency settles the whole thing, and the penalty is either reduced or it is remitted altogether, and the Conservators have to pay all the costs from first to last, and that is the only reward they get. Their funds are

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Mr. E. H. POU HOSKES—continued.

[LAWSON.]

Dr. Mahaffy—continued.

wanted, without any benefit to the fishing interests of the rivers. I find at now a lot of the convictions and the reductions for over so many years past, and you have them there.

Chairman.

12116. While we are here to go over the general subject of the condition of the rivers, we are not here as a committee of criticism, or a committee of appeal from what is done either by magistrates or by others, or by way of remission of fines on materials sent forward. I fear that if we were to act in that way we should be travelling outside our jurisdiction.—Of course when you say that I will not press the matter, but, at the same time, when you are sitting here I thought it was my duty to bring everything under your notice, so that when you are making up your report you may sit it and see what you can do.

12117. But you are giving particulars now of what has been done by other tribunals and other authorities, and I want to remind you that while we receive general evidence, we cannot receive particular evidence of that kind and constitute ourselves a Court of Appeal or a committee of criticism, so that I don't think we will take that line?—Very well. The next suggestion is that all kinds of netting, except with landing nets, as auxiliary to rod and line, should not be permitted in the upper or fresh water portions of the rivers, and these parts should only be fished with rods.

Mr. Guyon.

12118. Do you mean to say that you would abolish existing nets?—I would go as far as that, that is future owners of fishings in the upper or fresh waters ought not to be permitted to use nets.

12119. What you mean is that you would not permit any extension of fresh water netting?—No, quite so.

12120. But would you be in favour of abolishing the fresh water nets that exist at the present time?—If they got proper remuneration or compensation I would, but if they did not, of course that is another question, but certainly it ought not to be permitted to be extended, because you will never have a well-protected river till you stop it. Then the smaller rivers that flow into the Shannon should come under the same rule. There are some of the rivers flowing into the Shannon below, and they are very narrow, and they fish right across, and it is impossible to watch them. Nothing should be prohibited in such places. You will have further evidence about that. Referring to the weekly close time on the lower Shannon, I am satisfied that the present system of protection is totally inadequate for want of means, and I am of opinion that the Government should supply a steam launch or small gun boat during six months of the year, it would only be for six months, for the use of the inspector and bailiffs who would be down there as much as possible in order to see that the law was enforced. The present protection down there during the open season to let up the fish is simply a farce. I need not refer to Lough Linnake, as you are there and you have all that evidence. The funds of the Board at present are totally inadequate to meet all the claims on the money required for protection. We would want at least a couple of thousand pounds more. Now, with regard to the eel fishing, there is an absolute necessity for making a change as regards the issuing of licences at present. What I would suggest there is, that the licence issued for eel fishing should contain the name of the eel weir for which it was granted. At present any person taking an eel licence in the Electoral Division F can fish the weirs in any other electoral division, and that for certain reasons is most inconvenient, troublesome, and expensive to watch. To rectify that, my suggestion is, that they should be dealt with in the same manner as the salmon weirs in the lower Shannon, and that in every case of a licence for eel fishing on weirs in the Electoral Division F, the licence should be taken out in that division, rather than in the divisions K and H, so that the bailiffs should be always in a position to demand the licence for fishing for eels. At present any weir owner fishing a weir for salmon is obliged to obtain a licence in the division in which the weir is, and supply also the name of the weir, and this change was made only a short time since, which simplifies

Mr. Guyon—continued.

manages and makes it comparatively easy to enforce the law.

12121. In the case of a licence for a net the licence attaches to the particular net, not to the individual?—There is the point; quite right, but I would rather fix it to the man.

12122. The licence for a stake net attaches to the net?—No, to the weir.

12123. That is what you mean?—Yes. With regard to eel fishing, however, the eel weir owners are not obliged to have the name of the weir on the licence, hence it is perfectly legal for any person not fishing to take out a licence for any electoral division and fish in another division.

12124. And at present if a man takes out a licence for eel fishing, that is applicable to any number of weirs?—It is.

12125. And any number of nets?—It is.

12126. What is the charge for an eel licence?—£1.

Mr. Green.

12127. For each eye?—For each eye, and my suggestion is that, supposing a person has eel weirs in the Electoral Division F, and takes out forty eyes, he must fish there and in no other division.

12128. If he goes to a place where there are twenty more eyes to fish he takes out twenty more licences?—Yes. At present, supposing he is fishing twenty in the Electoral Division of F, and twenty in the Electoral Division of C, that is forty, it is quite open to him to take out only twenty.

12129. He drops fishing in A and goes to B?—Yes, I would prevent that for certain reasons.

Mr. Guyon.

12130. If a man took out a licence for forty eyes he could fish twenty eyes in each of the electoral divisions?—I am not going to say that exactly, but it is open to him to do so.

Chairman.

12131. Does he want to fish the twenty eyes at one time?—Yes, but what I want is to prevent any misunderstanding. I want the licence taken out in each electoral division.

Mr. Guyon.

12132. Do you mean that the eel licence should be confined to a particular weir?—No.

12133. You don't want to have the licence for a particular weir?—Oh, no.

Chairman.

12134. But that it should be localised?—Yes, it would simplify matters very much.

12135. Did you ever try whether, without any additional power, that could not be enforced at present?—I have tried it, and have had some prosecutions, but they were very expensive and troublesome.

Mr. Guyon.

12136. Who determines the form of the licence?—We got that from the Department some years ago.

12137. Could not the Department alter the form without any new statutory power?—I cannot answer that.

Chairman.

12138. Did you ever ask them?—I did, but they said they could not. Before we gave away from the eel fishing there is another matter that I would like to bring under the notice of the Committee, and that is, that while eel weir owners are obliged to take out licences for each net or eye, and are only permitted to fish during the open season from the 1st of July in any year to the 31st of December in the same year, there are ever so many other people who are permitted to fish with long lines with hooks, and some of the lines are a mile and a-half in length, and they fish during the whole year and they pay no licence, and they fish in the open and close seasons, catching a lot of fish.

12139. What portion of the river do they fish in, is it the lakes?—No, they don't fish in Lough Derg nor in Lough Ree, but now they are going to Killoe. They can fish the whole twelve months of the year in open and close seasons, and they pay no licence. Some of the lines are a mile and a half long, baited, and

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Mr. E. H. Fox Hoare—continued.

[LIMERICK.]

Chairman—continued.

they catch these eels and send them over to London in boxes. That is wrong, because the men owners are only allowed to fish six months and have to pay a licence duty.

Dr. Mahaffy.

12240. Do they get sale for these eels the whole year round?—They do.

12241. And of course that could be dealt with if there was any revision of licences?—No doubt. There is another suggestion, and it will be my last, that it should be made an offence to have fish exposed for sale or sold during the close season unless it can be proved to the satisfaction of the Court that it was lawfully caught. We had some cases here last year where there were salmon bought in the close season, and the person who had it exposed for sale sent it over to London, and the fishermen people telegraphed to me to go down and see this man and find out where he got the fish, but of course he wouldn't tell me.

Chairman.

12242. But it was in the open season for roe and hne?—It was, but it was unclear. They said in London it was not fit for sale.

Dr. Mahaffy.

12243. The fish was out of season and they wrote to you to know when it was caught?—They telegraphed to me to find out. What I would suggest is that it should be made an offence unless the roe could show that the fish were properly caught with roe and hne.

Chairman.

12244. Is there anything further?—There is one thing more. I am afraid at present that I am not in a position to give you very much information about the change of ownership. I don't think at present we are in a position to give you that, but I have a list of all the sales that have been made, and I have written to the landlords and the agents, and I am getting the information from them, and when I have it completed, within the next fortnight or three weeks, I will send it, if you so desire, to the Secretary.

12245. We desire it very much, and it would be very useful to us?—I will give you the names of every owner and the names of the new owners, and whether it is roe fishing or net fishing, but I don't think that up to the present the thing will be worth much, because a good deal of the fisheries attached to the holdings they have bought are worthless, and a few they have they are letting for net fishing; but I am sorry to say they have started roe fishing, which means ruin to the river, and I will give you the information complete within the next fortnight or so. Now, with regard to the ten per cent rate, there is one matter that I would like to bring under your notice, and that is about the Poor Law Board.

12246. As regards net fishing, has any application been made to the Department on the subject of the net fishing with a view to stopping it?—No, sir, nothing yet, because you know they are within their right to net fish in the upper waters.

12247. Unless prohibited?—Unless prohibited.

CAPTAIN FREDERICK HALL, continued.

Chairman.

12248. You are Inspector to the Board of Commissioners?—Yes, sir, I am, for the Limerick District.

12249. And how many years have you occupied that position?—Twenty-five.

12250. Then you have had sufficient experience to enable you to tell us a good deal about this river?—Yes, sir.

12251. You know the object of our being here, and will you just make a statement in your own words of any information that you think would be useful to us, beginning in any way you like, as to the Conservators, licences, poaching or the general condition of the river?—Well, sir, anything that I could say would be covered by what Mr. Hoare has said, and what will be said

Chairman—continued.

12248. But no application has been made to the Department to stop it?—No.

Mr. Guyan.

12249. You are aware that the Conservators would be within their right to ask the Department to pass a by-law?—I believe so.

Chairman.

12250. That is the question?—Yes. With regard to Poor Law Valuation business, there was an estate sold in this district belonging to the Brady family; it was sold in November, and this fishery was valued at £6 yearly. Now, the ten per cent. on that was 12s., and I used to get that regularly from the agent of Mrs. Brady. Well, I applied as usual for the 12s., and I was told that the property was now sold, and that it belonged to the tenants, and that a valuation would be made, that a Reviewer would come down in the usual way and revise the valuation and fix on the tenants the proportions they were to pay. I wrote to the office to see what was the result, and I got a letter saying: "In reply to your letter of the 23rd inst." (that would be the 24th of November, 1906), "I am directed by the Commissioner of Valuation to state that the valuation of £6 on the fishery is question was struck out of the Valuation lists of last year's revision," so that now we don't get the 12s. a year, and now if that thing goes on and they are all struck out, or a great number of them, the ten per cent. rate will, I need not tell you, be reduced.

12251. How many tenant purchasers have this right of fishing which was formerly in the hands of this lady?—None. I have in a copy of the names of the tenants and the names of the estate and a copy of the correspondence.

12252. But that could not be struck out without some notice?—Oh, it could; the Reviewer comes down once each year.

12253. But it is known that he is coming to revise, and is not that the time at which the Conservators should be represented?—Quite so, but we got no notice of it.

12254. But you are supposed to know, as there is public notice given of the revision?—I got no notice of this anyway.

12255. This thing is not done in the dark, it is done publicly. It may be very formal when there is no objection taken, but you can take an objection where you are interested in the valuation and interested in getting the rate, and therefore you ought to be on the lookout for it. I dare say it would be difficult to divide this £6 worth among these persons, but that is the business of the revision?—I got no notice.

12256. But it is publicly placarded. Is there anything else you wish to mention?—Nothing else, sir, except about trout fishing. I have had several letters from time to time from those interested in trout fishing in the upper water asking for protection of trout. Now, we have no money; trout fishing pays no licence, and we have no money to pay bounties for looking after trout fishing. We would be very glad to do it if we had. Popular opinion there and in other quarters is that we have any amount of money to get from Mr. Green and others, and to spend, and that we ought not to say no, but to give, however, we don't, because we can't.

by others, and really in my position I don't care to make a statement about the Conservators and things like that. In my position with regard to the Conservators I don't like to make any statement that somebody else might take objection to.

12261. We don't want you to put yourself in a position like that, but I presume that as Inspector you can tell us something about the staff and the adequacy of the staff and the business it has to do, and the possibility that exists and the extent to which it is carried on and your means of preventing it?—Yes, sir; at the present time we have not enough of men on the spawning rivers, and in some places we have absolutely no men. We have not half enough staff, and it has

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CAPTAIN PERRIDGE HALL—continued.

[Limerick.]

Chairman—continued.

always struck me that a great deal could be done through the police during the months of December and January by transferring a few men to the spawning districts. We cannot place our men there, and we cannot get the class of men we require:

12162. For what length of time would you want the police to be transferred?—I should say it would be sufficient if they would do it in December and January.

12163. Of course you are aware that there would be difficulties in the way of the authorities in the transfer of men to one particular district for that purpose, as it would deprive the district from which they came of what may be considered absolutely necessary service for that time?—Oh, I don't think so. Now, for instance, we have a river here which is a tremendous spawning river. It is a terrible river for poaching in the winter time, and what I suggest is that two or three men should be taken from other places in the winter time and stationed there on river duty. At present there is a sergeant there with two men, and of course he cannot do anything on the river.

12164. You want to have men put on river duty?—I want to have them on river duty, and suggest the County Inspector should transfer men there specially during the winter season.

12165. That is one suggestion of yours that the number of men should be increased in certain districts during the spawning season?—In certain districts, and it would be no expense to the Government.

12166. Now, about the form of poaching, have you any suggestion to make, the principal form of poaching at present, you know, is the destruction of spawning fish in the tributaries. What do you say now about the netting during the weekly clean season?—Well, as regards the lower Shannon, we have no means whatever at the present time of looking after it.

12167. Do you think it is unlawfully fished?—Oh, I am certain of it.

12168. That is with the stake nets?—The stake nets, yes, and the drift nets.

12169. Has it ever been suggested to you that the number of drift nets might be limited?—Not in the lower Shannon.

12170. Not in any portion of the tidal waters?—That has never been suggested, but I think there are quite enough nets, but in the lower part it does not make matter.

12171. What is the length of the drift nets?—In the lower Shannon they are 240 yards long and have 140 yards.

Dr. Makeff.

12172. Have you heard of any capitalists supplying the drift net fishers with boats and nets?—Oh, yes, some of them do.

12173. They are not supplied by the poor men themselves?—In some cases, yes.

12174. But in other cases not?—Yes, the capitalists supply them with nets and they pay for them during the season.

Chairman.

12175. Now, as regards the observation of the weekly clean time in the lower portion of the river, for instance

Chairman.

12185. You are one of the elected members of the Board of Conservators?—Yes.

12186. For what electoral division?—For an intermediate one between Limerick and Askeaton.

12187. You are also agent for Lord Deane?—Yes.

12188. Now, what particularly do you wish to bring under the notice of the Committee?—The netting on the fresh water and the small rivers.

12189. And what opinion do you desire to express with regard to that?—Well, it appears to me that the small rivers are the nurseries of the main river, and that the river is injured owing to the fact that the amount of fish that ought to be on the spawning beds do not get there.

12190. Owing to netting?—In the tidal portion and on the upper waters,

Chairman—continued.

the Lax weir, there is no doubt that that is under your supervision?—That is under my supervision, and there is no poaching there.

12191. There is no poaching there?—There is really no poaching about Limerick now worth talking about in the weekly clean time.

12192. It is in the lower waters?—Any poaching that goes on in the district is in the lower waters.

12193. What is your experience now as regards the number of fish and the size of fish in later years?—Well, that is a question that I am not qualified to answer. Witnesses will come after me who can tell you more about that, because I really don't see many fish in the course of a year.

12194. I thought that as Inspector you might possibly be able to tell us something about that?—I don't see the fish, I cannot say what anyone catches, except from what I hear, and I hear that some of the drift nets got up to 200 spring salmon.

Dr. Makeff.

12195. You have heard no complaints about the absence of peal fishing?—Oh, yes, there has been no peal fishing for the last three or four years at all.

Mr. Gwynn.

12196. What is your opinion about putting wire gratings across parts of the small rivers, so as to limit the extent of river which would have to be watched?—I don't know that you could do it. If you put gratings on I think that the amount of stones and sand that would be washed down those rivers would carry the gratings away. I would sooner leave them as they are and protect them.

Mr. Gwynn.

12197. In former days you had means for protecting the lower Shannon?—We had a steam launch, but we did not protect so much in the upper waters or gills as early in the season as now. More money is spent now on protecting the spawning fish than there was in those days. A steam launch on the lower Shannon would cost, to do it properly, up to £1,000 a year.

Mr. Gwynn.

12198. On the spawning waters have you much poaching?—Oh, no, we have not so much poaching on the spawning waters.

Dr. Makeff.

12199. The people have gone away?—Yes, I would not notice any difference, but the poaching is checked. They don't do it so much at all, and if you check them you find that they give it up. We have a great many streams unprotected that I can only visit occasionally with baillies, and you will see trout there and smelt of salmon where the fish have been killed, and of course there is no trouble at this time of the year in taking the fish out once they get on the spawning beds.

Mr. ROBERT R. BARRAGHAN, J.P., continued.

Chairman.

Chairman—continued.

12201. Do you think there is too much netting at present?—Yes, on the smaller rivers.

12202. Do you also think that, with the expansion of the number of riparian proprietors, netting will increase?—Certainly, where there is no by-law preventing it.

12203. And therefore your opinion is that fresh water netting ought to be prevented altogether?—Certainly, that is my opinion.

12204. Have you anything else that you would like to lay before us?—On the small rivers, too, there is another great cause of destruction of salmon and trout fry, in my opinion, and that is where there are eel nets. Now, for instance, at Adaro, we worked an eel weir for some years, and, as a matter of fact, we caught as many salmon fry as we caught eels, so we have given it up for the last ten years for that reason. It was

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Mr. ROBERT R. BALLINGALL, J.P.—continued.

[Continued.]

Chairman—continued.

12190. destructive to salmon than to eels. On a river that I have experience of, I think Captain Hall will tell you that there are several eel weirs which are most destructive.

12191. What river is that?—The Maigue.

12192. To whom do they belong? Witnesses—You mean the eel weirs?

12193. Yes?—To the riparian owners.

12194. Well, there must be an obstruction across the river before you can establish an eel weir?—Yes.

12195. And is any riparian owner entitled to block the river in that way?—He must leave a gap.

12196. But can he block the river leaving a gap; can he make a legal obstruction at discretion?—I am not a lawyer, but in the case of some of the eel weirs on the upper Maigue, they are all certainly obstructions, and the water is forced through the gap where the eel fishing takes place. Some of them have been done away with, but only in cases where the owner was once interested in salmon and trout for the reasons I have already stated.

12197. And you think that eel weir fishing ought not to be permitted?—Not on the smaller rivers, certainly. I know they are destructive, and I am speaking from experience.

12198. And you think that they ought to be got rid of?—Yes.

Mr. Guyan.

12199. Do you mean that the salmon fry get rushed in and killed at once?—I have taken as many as 400 fry in one night in seven nets.

12200. Does that occur on the main river?—That I can't speak of.

12201. It is only on the small rivers?—It is the small rivers that I refer to.

Chairman.

12202. Now, what is the next point?—I think the reduction of fines has a great share in the encouragement of poaching.

12203. It is quite useful to know that that is the general opinion. You think that when a man is fined he should be made to pay?—He should be made to pay, he should feel that he has been doing something wrong.

12204. With your experience now of the condition of the fisheries, would you say that the number of salmon has increased or has it fallen off?—I suppose from the rod-fishing point of view, on the upper Maigue it is not improving, and particularly I have noticed this. I have had nearly twenty years' experience of it now, and in the first ten years I noticed that we had as a rule a season above the average one in every three or four years, and for the last eight or ten years we have not had an increase of any sort. There has not been a good season in the whole eight or ten years, whereas in the previous ten years we got one very good season in seven, and every third year an increase.

12205. Is the Maigue affected by the drift net fishing in the estuary?—There are a good number of drift nets which generally fish outside the mouth of the Maigue, and which would affect it, but they have not increased, I think, in the time that I have mentioned.

12206. Are you aware of a resolution having been lately forwarded to the Department on the subject of drift net fishing in the sea?—I heard something about it.

12207. That would refer to the fishing on the north and north-west coast?—Yes.

12208. Do you know how it came about?—No, it was only a short time ago I heard of it.

Chairman—continued.

12209. You were not one of the Conservators present when that resolution was passed?—Yes, I was. It was at the last meeting.

12210. Were there any grounds for the conclusion that the drift net fishing on the coasts of Donegal and Mayo would affect the run of salmon into the Shannon, for that is what is suggested by the resolution?—Well, I imagine that if the salmon are taken out of the sea to the enormous extent which is reported, there would be less to come up into the river naturally.

12211. But it is a long distance, and the run of sea fish coming to the Shannon would scarcely be by the North coast?—Well, there are two gentlemen here that know more about that than I do.

Mr. Guyan.

12212. Has there been any transference on the Maigue of fishing rights from landlords to tenant owners?—Oh, yes, on the Upper Maigue to a considerable extent.

12213. What has happened there as to netting?—There is a bye-law on the Maigue prohibiting netting above a certain point, so that the netting question does not come in.

12214. What are these men doing, do they consider a long stretch of the river as being of appreciable money value for rod angling?—Some of them would probably have a mile or so.

12215. And do they consider it of any appreciable money value for angling?—Some of them, perhaps.

12216. Are they preserving it for their own fishing?—Some of them.

12217. You have not heard of any starting a combination among them for letting?—Not at present.

12218. There is no talk about it?—I have not heard it alluded to.

12219. Would it be a valuable possible asset?—It should be a great source of income to those riparian proprietors if they would combine to let and preserve.

12220. Mr. Sanders gave us evidence and told us about a combination taking place near Charleville?—That is above Macroom; higher up than my district. They are preserving undoubtedly, but there has been no letting up to the present.

Dr. Mahaffy.

12221. With regard to these eel weirs belonging to different riparian owners, where one owns one side and the other the other, they must agree together to fish for eels?—I don't know. All that I know is that they exist.

12222. Is the fishing on the Maigue not a very important item?—It is.

12223. Is the trout fishing looked after?—You know what it is as far as Croam, and above that is the place where the new riparian owners come in.

12224. Trout fishing is a very valuable asset?—Very valuable.

12225. Is anything being done with that?—The riparian owners are preserving it.

12226. And they are not trying to fish on it for trout?—There is a certain amount of trout fish up.

12227. You would recommend a small license for trout fishing, would you not?—I would.

12228. Then you say that for the last three or four years you haven't got a good year for salmon?—Yes.

12229. Is not the main deficit in poach, the summer fish?—We have no pool to any extent on the fresh water portion. They are not worth talking about.

12230. You have spoken of the fish on the river belonging to riparian owners. Isn't it the case where one man may have a long stretch and another a pool fifty yards long which may be much more valuable?—Yes, that is so.

Mr. SPENCER C. P. VANSERVEY, J.P., examined.

Chairman.

12231. You are a Justice of the Peace for the Co. Limerick?—Yes, sir.

12232. And you are an elected member of the Board of Conservators?—Yes, for the E. Division, the upper waters, Kilsake and Castlesconnell.

Chairman—continued.

12233. And it is stated here that you will survey Lord Mayor's views?—Yes, I think I do.

12234. Now, perhaps you will just give us any information in the order in which you have prepared it which you think would be of some assistance to us?

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MR. SPENCER C. P. VANDERHART, J.P.—continued.

[LIMERICK.]

Chairman—continued.

Well, in the matter of purchasing tenants, I think that there is no doubt about it those will be net fishing where it is possible, that they will off put on nets if they are allowed to do so, and if that is allowed to go on, considering the number of purchasing tenants on the tributaries and the small rivers there cannot be any salmon left. Now, up our way, above Castleconnell and between that and Killalee, there is a net working already. That net, I think, pays a rent to some of those purchasing tenants, but of that I am not certain. However, I think they get some rent out of it.

12243. Is that net of long standing?—Yes.

12244. Was it in existence before the estate was sold?—Yes.

12245. Do you think that it still pays the same to the purchasing tenants?—I should think so, but I don't know. I don't think from what I know of them that they would fish there if it wasn't so. Well, I have for the past two or three years taken fishing from a combination of these purchasing tenants.

12246. Where is that?—Just above the dam at Castleconnell, the navigation dam, in the water just above that. It is only a high water fishing, for the rod, but they do let it, and I have been taking it.

12247. Have you both sides of the river?—No, sir, I have only one side. Mr. Ingham has the other side.

12248. Has he got it from the purchasing tenants?—No, he bought it himself. There is no doubt that they will combine if they get a chance to let this right of fishing, and I think that it is an excellent thing that they should do that, and they are very well able to look after themselves, too.

12249. Now, do you look forward to combination as likely to be brought about by tenants such as yours, that is, a case in which you take a long stretch of the river by making a bargain with each tenant?—Yes, sir, I think that's how it will happen.

12250. That is the most natural way it might happen?—Yes.

12251. And the easiest, if it could be arrived at?—Yes, where those tenants have combined.

12252. But suppose you have one or two men who have a fancy for fishing themselves, or who are just standing upon their rights, such a man can stop the whole bargain?—Of course he can; he can interfere with anything in that way. I mean he might make the fishing of all the others next him of no value at all, particularly, because the fishings would be all too small to be of any value unless they were taken together.

12253. Do you know of many other combinations for the purpose of letting to one fisherman, in addition to your own letting?—No, sir, I don't think so. I think there is a fishing above mine that I heard was let, but I have no knowledge of it myself. I think there is some fishing up there now, but whether they pay rent or not I don't know.

12254. This is an entirely voluntary matter?—Oh, yes.

12255. But have you any suggestion to make as to how the majority of the tenants could be managed by regulations or otherwise to make such a bargain?—Witness.—To bring tenant and landlord together, do you mean?

12256. Yes?—No, sir, unless it was done in the same way as it is done in the case of game preservation. Where tenants have bought their right of game in a great many cases they are amalgamating, and they are going to the Game Preservation Society in Dublin and saying to them, "Can you find us tenants?" Well, in several cases, that has been done for them.

12257. And has that been successful?—I believe it is in the case of game.

12258. And some such thing might be done, you think, in connection with fishing, too?—I think it is possible that it might. It might be worked through the Salmon and Trout Preservation Society if they would like to undertake the job.

12259. The Limerick Conservators, you are aware, suffer from the want of funds, and that is their principal difficulty with regard to providing protection?—We can't even get the fringe of preservation with our present funds. Our income, as you have heard from the Clerk, is about £2,300 a year, and we cannot touch preservation with that. We want at least £5,000 a year for that purpose.

Chairman—continued.

12260. Have you any suggestions now as to how the income might be increased, apart from asking, as Mr. Hasford does, that money should be given by the Government?—I don't know any way.

12261. What about the license, do you think they might be increased?—Well, some of them, I think, are very small licenses. Now, the stake we're paying a very good license, I think £30. I think they pay a good license. The drift net pays £3. I don't know that in such a deadly engine as some of them, but the snap net is a very deadly engine, and it only pays 30s.

12262. You think the snap net license is rather low?—I should say so. It is the most deadly net there is in the Shannon.

12263. With experienced men it is very deadly?—With experienced men, and they are experienced men. They could pick a fly off the bottom with the snap net.

12264. You think, without mentioning anyone in particular, that the license duty might be revised with advantage, and that that would give you a little more?—Yes, but it won't give us half enough, or anything like it. The way I look on this is that the salmon fisheries of Ireland are a national asset, and as such they should be conserved by the Government, and I think that it is quite wrong that the Government should apportion the whole of their money on the sea fishing and nothing at all on the river fishing. The fresh water is the nursery of the salmon and of the trout, and the fresh water ought to be preserved as a national asset. Well, then, I agree with Mr. Hasford, in the matter of the kind of poaching cases. I think every Petty Sessions case of poaching ought to be tried before a Resident Magistrate sitting alone, and then any appeal should be in the County Court Judge sitting by himself, for there is a great deal of sympathy among some magistrates with poachers, apparently, and I think it would be just as well to have it laid otherwise. I was saying that we want at least £5,000 to apply to the preservation of the Shannon and its tributaries, because there is about 4,000 miles of water to be preserved, and we have only about £2,300. That is our income at present, or something like that, and that comes to about 1s. a mile, which is of no use.

12265. You heard Mr. Hasford's evidence about the valuation of the river?—Yes, that we are losing the two per cent. on the valuation.

12266. And that there was no valuation placed on a large portion of your river, and that the total valuation of the river amounts to merely £1,300 a year, which would not possibly represent anything like the true valuation of the whole of the river Shannon?—I think there must be a lot of it that is not valued at all, but then there is a great deal of it that I fancy is of no value as fishing ground, though it may be of value in other ways, yet there is no fishing on it.

12267. That is the portion of the river that is open, that is free fishing?—Yes.

12268. I am taking the upper Shannon, the greater portion of it. When we were sitting at Athlone we were told there were miles of free fishing?—There is no such thing as free fishing in fresh water, sir. It all belongs to the riparian owners, and they may not exercise their rights.

12269. But they don't exercise their rights?—But there is no reason why it should be treated as free fishing. In the last few years there has been an enormous falling off in the pool fishery at Castleconnell, and my impression is that all our pool are caught on the coast of Donegal with those long nets that they have. I am told that they are fishing drift nets there, and they begin in the month of May, and they fish all through the pool season, when our pool ought to be coming into the Shannon, and they kill thousands and thousands. They are fishing an enormous number of nets 1,000 yards long. Well, now whether that is the case or not, I think something ought to be done to limit the thing, because I am perfectly persuaded in my own mind that they are killing all our pool, and if they could fish in the spring they would kill all our salmon.

12270. It is stated that the run of fish on the coast of Donegal is east. We had evidence that the run of fish on the coast of Donegal is east, and that when they were diverted they went seawards?—Of course they are coming from the west to the east.

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MR. SPENCER C. P. VANDERLEY, J.P.—continued.

[LIMERICK.]

Chairman—continued.

12267. But on the coast of Mayo and Donegal, if they were running to the east they would not be coming in the direction of the Shannon, would they?—It appears to me that they should be running from the north in order to be coming into the Shannon.

12268. But if they were running to the east they would be making for the Moy; it is stated that the drift nets on the coast of North Mayo find the run of fish making for the east, and that the people of the Moy never say so, that these that we not caught in the drift nets are diverted North, and that they go North and never go to the Moy again?—Witness.—But isn't Mayo on the West Coast of Ireland?

Mr. Green.

12269. The north coast of Mayo runs nearly east and west, and the salmon running the north coast of Mayo are diverted, some going eastwards towards the Moy, and others possibly by Achill, and away down the west coast?—Witness.—But is there any reason why they should not be swimming up and down the coast, loitering about there?

Chairman.

12270. This, of course, is a theory after all?—We cannot say with certainty.

Dr. Mahaffy.

12271. Now can we with regard to the defect of peat; there has been some complaint of the disappearance of peat in the south-eastern rivers of Ireland. In those rivers there has been just the same disappearance of peat?—Well, I don't see any other reason to account for the loss of peat than we have had. That is the only fresh thing that seems to have turned up since they have been going down. My impression is that all net fishing should be prohibited in fresh water, both in the main river and in the tributaries. The fresh water is the nursery of the salmon, and as such it should be preserved from all netting. Once they get past the nursery they ought not to be allowed to be taken in nets.

Chairman.

12272. Has any official application been made to the Department, who have power in this matter, on the subject of netting?—Witness.—Has the Department the power entirely to prevent netting?

12273. They might, on a part of a river or the whole river. They could hold an inquiry?—Well, I suppose there is no use in asking them to hold an inquiry when they were asked before.

12274. Even if there had not been an inquiry on the first occasion, there is no reason why, if this subject presses itself upon the consideration of the Conservators, that they should not apply again. You have a strong opinion on the subject?—I have, sir. But I suppose that as it was not granted when they did make an application, they were a little diffident about asking again, and of course it was not granted or it would be in operation.

12275. But the conditions, of course, are changing?—No doubt they will change very considerably.

12276. With the increase of the number of riparian proprietors?—Yes.

12277. And that would appear to me to be a good ground for putting the case before the Department again?—Yes, sir. Well, I think, whatever rules and regulations and laws and things that we pass they will all be absolutely of no value whatever so long as the reduction of fines by the Lord Lieutenant goes on. It has become a perfect scandal. It really has. We do our best with the little limited amount of money that we have to preserve, and what is the result? We get a prosecution with a great deal of difficulty where first of all there is perhaps a man caught with a gill poisoning spawning salmon, and he comes up at Petty Sessions and gets a lot of sympathising magistrates there. In some cases the magistrates sympathise with the fish poacher and he may get off, but if he is unlucky they fine the minimum penalty, just £4. Well, he is not a bit upset at that. Not at all. He is all right, he says,

Chairman—continued.

"I am going to appeal!" and he appeals to the County Court Judge, and sitting with the Judge you find a great many local magistrates. They very often overrule his opinion altogether, but as some cases the salmon poacher is unfortunate, and his friends don't carry the Court with them, and the conviction of the lower Court is upheld, and you would think that was the end of it. But it is not; he is only beginning then. He goes off and he sends a memorial up to the Lord Lieutenant. The result of that memorial is a list with long questions coming down to the Head of Conservators. We have to find out about this man. Of course in his position he says he is a poor man, and he has got a wife and a long family; that is a stereotyped thing, that is always in every position, and then we have to inquire about these and fill up this long list of answers to questions, and in some cases it has been discovered that he has a very well off family, and in others that he is not married at all, and so on, and then while this has been going on, and the memorial is up in the Court, he sends round the hot to his friends and he gathers perhaps £5. Down comes the memorial from the Lord Lieutenant in which His Excellency has been pleased to exercise his prerogative of mercy and he has reduced the fine from £4 to £1. Very well, the fine has been reduced to £1, and the policeman gets the £1, so that the thing resolves itself into this, that the Board have probably to pay £4 or £5 expenses, that the policeman gets £1, and that the poacher scores £4.

Dr. Mahaffy.

12278. Of course he repays the subscription?—(Ironically) I am sure he does.

Chairman.

12279. You must not think from anything that has occurred here that we are not taking note of all this. What I objected to was receiving any particular record of what has been done, as that would be more or less a review or a criticism of what had been done by the Executive and the Head of the Department, and we can't do that?—Well, that is the chief of things. It is a supposition case that I have put, but Mr. Hoelard, if you had allowed him, would have given you some very important cases.

Chairman.

12280. I have explained that we had the list offered to us, but we did not think it proper to take it?—I see.

Mr. Gwynn.

12281. I understood you to say that you were taking fishing from a combination of interests?—Yes.

12282. Do you know if their property is raised?—I think Mr. Hodges has given you some evidence about that. I think they are the Brady tenants, the property that Mr. Hasford was talking about, the case of the 12s. of ten per cent. rate that could not be got.

12283. That fishery was previously rated at £6?—That, I gather, is the whole fishery. Of course I have only got a part of the Brady fishery now. As a matter of fact, I haven't got any at present, but I have had up to this time.

12284. I want to know what ratio this rateable value bears to the actual rent that you give. Would you have any objection to state what rent you pay, but I do not press the question, I am merely anxious to know what the ratio is?—At present I am in negotiation about this.

Dr. Mahaffy.

12285. You seem to think that when there is combination the tenants will preserve the river sufficiently for net fishing?—Yes.

12286. Is there any reason for not selling it to net people?—Yes.

12287. And getting a better rent?—Yes. When the river is high enough for net fishing it is too high for net fishing, so that the net and rods don't clash at all.

12288. They ought not to be both?—Yes, in fact they do.

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MR. ARTHUR BROAD-BENY, examined.

[LONDON.]

Chairman.

12289. You are an elected member of the Board of Commissioners?—I am, sir, for many years, for this division.

12290. Where is that, now?—B runs from the tidal-way up to Castlemount on the lower Shannon. It runs from Coora. There is an imaginary line across the river. It is called the Upper Tidalway Division.

12291. You are a fisherman?—I am, sir.

12292. You are interested in this question?—I am, very much.

12293. You have heard most of the evidence that was given here?—Well, not all of it, because I was in court elsewhere.

12294. Perhaps you will just give us in the order in which you may have presumed it any information which you think might assist us?—I have a few notes here which I have put in the order in which you asked the questions in the circular. As regards the first, that works in a great many different ways according to the rivers that are taken. Some of the men let their fishing for roils. Others, unfortunately, use drifts for netting. I am afraid the general effect, so far as my experience goes, will not be for the benefit of the fishing at large. The landlords in the old days who were non-resident did not exercise their rights at all except in a few cases on the Shannon, and when the tenants got their rights where the water is suitable for netting, they are starting to net it, and the result of that will be, if my opinion is right, very detrimental to the fishing, especially in one of a narrow river like the Mulsain. We had no roils on the Mulsain up to 1866, and now you have two nets operating on that river, and they work near the mouth of it. A question was asked a moment ago about an application to the Fishery authorities. An application was made to limit netting on the Mulsain, and it was refused; that is, partially refused. The Inspectors stopped all the netting when no netting was existing, but they left it where it was in existence; they stopped it above Ballyrough, but they left it down below, and I think the netting will eventually ruin the Mulsain.

12295. How long ago is that?—1906, since the purchase.

12296. That particular question, I am reminded, is not asked, and therefore we cannot discuss it?—Oh, no, it is denied.

Mr. Green.

12297. I don't think it has been before the Privy Council yet?—It has been before it as far as the Inspectors could do so after inquiry, and the other thing is merely formal. It will be confirmed as a matter of course. There was an appeal against it, and the appeal is withdrawn. Now, I look upon the question of netting in the fresh waters as the most important that we have to deal with, because my opinion is that whether as a riparian owner or not, no matter how much you net the tidal waters of the Shannon you can really never do much harm to the river if you are able to prevent the thing being carried on continually, and you compel the observance of the weekly close time, and while that is the case you will always have sufficient fish. I am not at all in favour of stopping those men who have been netting for years on the Shannon. I think it would be an injustice towards a number of men on the Shannon whose livelihood depends on it, and I think it would be altogether wrong to take it away from those men or to interfere with them. I would apply the principle of the Act of 1863 to the fresh water, and that is, that in my opinion, anybody who wanted to net in a fresh water fishery should get a certificate from the Inspectors entitling him to fish there, and let any man who wants to net prove his right from 1863 or any other date which might be considered advisable, and if he can prove that he was fishing there let him continue to net, but no new netting should be started on fresh water at all.

Chairman.

12298. Then, in fact, you would have it that anybody who had been fishing from a certain date would be entitled to obtain a certificate?—Yes, sir.

12299. And you would give no new netting?—I would give no new netting; I would limit it to what it is.

12300. Would the granting of the certificate follow absolutely the result of an inquiry by the Inspectors?—

Chairman—continued.

It would, after the man proved his right. Any man who could prove that he or his predecessors had exercised the right in that way before 1863 or before any other date, certainly not within the last thirty years, should be absolutely entitled to get a certificate, and that would prevent any new netting being started, and leave us as we are. If every man on the upper Shannon and the tributaries is allowed to net you will weed out the salmon in a certain number of years. To preserve, I think, is a mere matter of money.

12301. Let me be quite certain as to what you mean. Now, the inquiry and examination by the Inspector previous to the granting of a certificate would be in the case of men who have exercised net fishing since a certain date?—Prior to 1863 is my date, because that is the date that regulated the weir on the lower Shannon and prevented any man starting a weir on the lower Shannon. Since 1863 no one has a right to start a fixed engine, and I would deal with netting rights in fresh water in the same way. Another thing I would suggest is as regards the ten per cent. rule, and it is that the requirement should be done away with because it makes the ten per cent. rate useless. My idea is that every man who has a fishery should pay his ten per cent. rate whether he takes out licenses or whether he doesn't.

12302. You would do away with giving him credits for the licenses?—I would do away with it.

Mr. Guyan.

12303. Is it a statutory obligation?—It is a statutory obligation. They used, of course, to net off every kind of license, but since the decision of Mr. Justice O'Hara they only net off such licenses as are taken out by the owner himself, but it practically amounts to this, that the ten per cent. rule in the vast majority of cases is practically of no value to the Board. They don't get anything out of it. Another thing is, that in this country we have no licenses for trout rods, and I think no fishermen would object to a small license on trout rods, say half a crown a rod, and the money to be spent on trout preservation. I don't think anyone, so far as my opinion goes, would object to that.

Mr. Green.

12304. But schoolboys that come home for their holidays and take to fishing might not wish to pay half a crown, and you must begin with the boy?—You must begin young if you want to learn trout fishing.

12305. And very few fathers would give their sons half a crown for a trout license?—I am not speaking now from the point of view of the fishery. The general opinion of the trout fishermen that I have been speaking to is in favour of a license.

Dr. Mahaffy.

12306. Isn't a day's trout fishing worth half a crown?—I should say it was, certainly. Lord Dunsany and others take a great many in the Maigue.

Mr. Guyan.

12307. Don't you get a great many trout in the water about the Lar Weir Bridge?—Sometimes you will and sometimes you won't.

12308. Still the trout rise there?—The trout there run up in certain conditions of the water. They run up and then they go away again, that is, the majority of the trout there. It is still, and in certain conditions of the water they run, and they go away again.

Dr. Mahaffy.

12309. They are good big trout, are they not?—Sometimes you get big trout there. There is one thing that Mr. Rosford touched upon as regards preservation. I would not take away the jurisdiction from the local magistrates at all in those cases. I don't think it would be possible to work it, but I should like to see the appeal not to Quarter Sessions, but to the County Court Judge, if the magistrates went wrong. According to my view, I think it would not be right to take away the local magistrates' jurisdiction, but if the appeal was made to the County Court Judge, I don't think that would hurt anybody, but his decision should be absolute. As regards number 2, the question of holding out inducements to the tenants, I really do not

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MR. ARTHUR BLOOM-SMITH—continued.

[LONDON.]

Dr. Mahaffy—continued.

think that there is any necessity to hold out inducements to them. They are getting what is and what has been a valuable right, in many cases, for nothing, because they paid nothing for it, and I know one case on the Mulcaire where a man got for his fishery, or did get, what paid his annuity due on his land, so he had it for nothing.

Chairman.

12330. So that you look forward to an increased revenue from the increased value of the fishings on the river?—They are not valued, unfortunately.

12331. But they will be valued?—I don't know how you could value the fishings on the Mulcaire. How could you value them of those small rivers?

Mr. Guyon.

12332. Not even where a man might let it for what would pay his annuity?—Well, there you are. The official comes down to value, but it is a very intangible thing, a fishery, and I doubt if you would get him to value the fishing at anything. I think it is not likely that they will value it at anything.

12333. Is that how you account for the lowness of the valuation on the Shannon, which has been brought before us, where angling rights are treated as things that cannot be valued or that have no cash value?—It is an intangible thing, and it is very hard to value it. I know a stretch of the Shannon, three or four miles long, valued for £5.

Dr. Mahaffy.

12334. The fish don't be there?—Oh, they do, but their don't be there very long, as the place is netted every day.

Mr. Guyon.

12335. And you think there is no possibility of bringing the valuation into some correlation with what you could get out of it?—I don't know about that, but I think there would be great difficulty in getting them to do it. A man comes down and looks at the water, and how can he know what rent they pay? They are not going to tell him.

12336. Has he not any means of finding out?—Oh, no, how could he if the owner does not choose to tell him? Supposing the owner is in actual occupation of it, using it for his own purposes, he is not going to tell him that he can get 500 fish out of it, and how is the valuator to know?

12337. If the valuator had any powers of inquiry he might possibly?—Of course, if he was entitled to ask those questions, but I think it impossible. As regards No. 4 question, I think preservation is entirely a matter of money. You have heard what money we have here, £2,000 a year, and of course it is utterly useless. We can only protect what might just be compared to the neck of the bottle.

Chairman.

12338. What about an increase of the licence duties?—I don't think you can increase the licence duty. I think not. Take the case of the drift net men; there are three men working that drift net, and the man who takes out the licence has to pay £3. Of course, of late years they have done very well, but in other years they might do very badly. And then you have, as a rule, three families getting a living out of that net, sometimes a man has his sons, sometimes there are three families, and he has to get two nets, and sometimes three, and to get all the gear for them, and he has to keep boats, and when you add all that together I don't think you could increase the licence duty on any of the working fishermen. I don't think you could do so fairly.

12339. Not even on snipe nets?—The snipe net is worked much more cheaply than the other nets, but then you have an extra man on it. You have a fourth man, and that balances the differences of the licence duty. Of course, the snipe nets do very well sometimes, like the rest of them, and sometimes they don't.

Mr. Guyon.

12340. If a snipe net man who now pays 80s. were to pay £2, would it not recompense him if he got two salmon instead of one in the year?—It would pay him if he could be sure of getting the two salmon.

Mr. Guyon—continued.

12341. Isn't protection worth paying for?—For myself, I would say that protection would be very well worth paying for, but these are poor men.

12342. Snipe net men on other rivers said they would be quite prepared to submit to a rise in the licence suppose the money was spent on extra protection?—And I am sure they would, I dare say they would, and I dare say you will hear some of the snipe net men. I don't know if you wish to have any evidence or suggestions as to changing the Fishery Laws in any way.

Chairman.

12343. Yes?—Well, there are some few things that I would like to suggest if I might.

12344. We want to hear anything from you that might tend to make the fishings more valuable?—Of course, there are some few ideas which we have to deal with from time to time, and it is not easy to get at them. I have dealt with the fresh water part of it already.

12345. You have made suggestions for dealing with it?—Another suggestion I would make is, that a legal engine of any sort should be able to secure when you found them, and you should not want to get into fishing.

12346. When they are not fishing, you have not power to seize them at present?—No, sir, except we catch the man fishing. Suppose you get him near them and ready, you cannot touch him, you might get him on the bank of the river and the engine in his hands, and yet the man commits no offence. Illegal engine I am referring to, of course.

12347. There can be no doubt, of course, as to illegal engines?—Of course there can be no doubt.

12348. What sort of engines do you mean?—There are many, such as the small mesh net, the small bow net, stroke bank, and things of that sort.

12349. And there is no power to take it from the man unless he is using it?—I am getting on very dangerous ground, because I don't want to advertise. There are many things that we don't like to publish too far. Well, assuming that the law was left as it is, as regards the fresh water, I would say that you should shift the onus of proof. At present no one is entitled to fish in a fresh water river except the owner of a several fishery. Well, it is impossible for the Board to prove a negative, and I would shift the onus to the man who is exercising the right so that he should show that he has the right, not that the Commissioners should show that he has not, because it is quite impossible for the Board to know who is the owner of the land, and if so whether the owner of the land has the right or whether he has not, and the law in that respect is practically unenforceable as it stands.

12350. And then you would assume that he has not, and make him prove his title?—I would make him show that he has a prima facie right at all events. I would also suggest that the right of search of the banks should be extended.

12351. Is there a right at present?—There is a limited right. He can search at present the boat and the bag which the man uses for carrying the fish, and nothing else, and I would give him an extended right, practically the same right as a constable and others. The constable searches boxes and any place where he suspects that fish are being illegally deposited, and he would have a right to go up to the railway and open a box of rabbits, as they often send them as rabbits. At present if you suspect a box there you have to telegraph to the Fishings' Com. party in London, and the moment the box touches the other side they take hold of it, and that is a roundabout way of getting at the thing.

12352. A constable has that power?—A constable has, and the bailiffs have not. Of course, the Constabulary never attempt to exercise that power. A constable has, of course, an absolute right of search, and can search anything.

Mr. Guyon.

12353. Do the police refuse to exercise that right?—Oh, no, but we can't expect them to do it. A policeman can only search if he has reason to believe that an offence is committed, and if not he has no right to do it.

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Mr. ARTHUR BLOOM-SYDEN—continued.

[LAWSON.]

Mr. Guyon—continued.

12334. He would not have a right to search unless he had reason to believe that an offence had been committed, but if a baiter came and stated to the constable that he had reason to believe that the so-called rabbits were really fish illegally caught would not that suffice?—Yes, but you would have to go through a lot of formalities.

Chairman.

12335. The box would get to the other side first?—The box would be at Fiskigard by the time you had gone through the necessary formalities. And another thing I would suggest is, the defining of the mouth of rivers which flow into other rivers. At present, as far as I can see, there is no provision by which that can be done at all. There is no provision for defining these mouths at present, or there is a provision, but it is a useless one, and I think there should be a provision to enable the inspectors to define all the mouths, in fact, it should be obligatory on them.

Dr. Mahaffy.

12336. With a view to what?—With a view to letting the fish into the river.

12337. How is that affected by defining the mouth?—Because, supposing that any man started not fishing just at the very mouth of a river he could stop all fish going into the river practically by working the net within the Stofte.

12338. But is there special legislation for the mouths of rivers?—Special legislation to enable the inspectors to define them. They have a power to define them, but it is useless, because there is a limitation in it.

Chairman.

12339. Would the definition of the mouth of the river interfere with a man netting at any particular place so as to prevent fish going up the river?—Just at the mouth. At present the definition would mean that you would have to stop them for half a mile above or below, and that for fresh water would be ridiculous, absolutely preposterous, and therefore my suggestion is that it should be left to the inspectors to define it, and to define the limit within which netting should not be allowed, not for a half mile, because that would be perfectly ridiculous in fresh water. Section 44 of the 13th and 14th of Victoria provides that a man who has a several fishery can fish there notwithstanding the definition. The only person who can fish in the fresh water is the owner of the several fishery, and therefore it does not apply to any other person who can fish, and therefore it is absolutely useless. Now, another suggestion is, that the taking of fish by any means, either in the fishway or in the fresh water, save by a duly licensed net or rod should be made a penal offence. I say "By any means." I am not defining the means for the reason that I have already explained. There are many ways in which fish can be taken in large numbers without committing an offence at present. All I say is, that taking or attempting to take fish, by any means whatever, save and except with a duly licensed net or rod and line, should be made an offence, except in a legal way. I understand, also, that there are long laws for eel. If that is to be allowed, that would have to be accepted too. The only means of fishing that I would lay down would be a duly licensed engine, and I would prohibit the taking of fish by any other means, because you can never tell by what stratagem some man will invent a method of taking fish. The only thing we have at present is the stroke-hand.

12340. Do you mean that at present they cannot be prosecuted for taking fish unless the illegal net is specified?—Yes, that is what I mean.

12341. And then you would meet that by making the law general?—Yes.

Dr. Mahaffy.

12342. Would you put a limit to invention?—I would put a limit to invention. I would put it so that, except by the legal methods, everything else was wrong. There is another thing that we have here. During the run of smelts to the sea, that is in the end of April and the beginning of May, there is an enormous number of these smelts killed, undoubtedly by the fly fishers. I believe in Scotland, so I am told, and I am

Dr. Mahaffy—continued.

sorry Mr. Calderwood is not here, that is the Scotch rivers they don't allow fishing with the artificial fly during the run of the smelts. There is no doubt that a great deal of damage is done here, and it would be well if it could be prevented. I don't know what there is any way of preventing it. The smelt run down in those months in enormous numbers.

Chairman.

12343. What do they fish for there with?—With the artificial fly. And they are not so useless at all. I have seen great numbers of them killed, but they are not killed to such an extent now. Captain Hall has put a stop to a great deal of it, I must say, but it used to be very prevalent, and there is no doubt that on the small rivers they are killed in very large numbers.

12344. It is very difficult to provide for it?—It is difficult.

Dr. Mahaffy.

12345. Wouldn't they catch them in small rivers with the worm?—They would.

12346. And would you stop that, too?—Yes, but they would catch 100 with the fly so one they would catch with the worm. You could put four flies on a rod, whereas poking along with the worm you could cover very little water. I don't know if the worm on the Lower Shannon are within the scope of your inquiry, that is, the stake worms.

Chairman.

12347. We have had them sometimes, in a general way?—Mr. Pegum will give you evidence about that.

12348. We understood that the stake worms are there owing to an inquiry held some years ago?—About 1868. They were imported here from Scotland.

12349. But the numbers were limited?—They could not be established unless you could prove me prior to 1842.

12350. And the number is fixed?—It is, sir. They never can be increased, and my idea is to do with the fresh waters in the same way. As regards the worms, I think the method of putting the free pole in the weir at present is wrong, for that reason, that there is no pole through the weir at all.

12351. Perhaps that is a subject that you might leave without going into particulars exactly, as it is a matter that perhaps, after all, to the duties of the inspector?—It is not. It is a statutory provision. The inspectors have no powers over it. I asked the question whether stake worms were within the scope of the inquiry, and I passed from it. There is another point that I should like to bring out as regards what is, I think, the very worst offence we could possibly have to deal with, and that is the poisoning and spouting of salmon on the spawning beds. That is the worst offence, I think, we have to deal with, and I think that in all those cases the penalty should be imprisonment, and, if the magistrates so demand, with hard labour. They should have that option.

12352. No option of fines?—Option to the Bench.

12353. But without option of fine?—With or without, if they liked they could, perhaps, fine, or imprisonment with hard labour, if they so decided. I look upon the killing of the fish in those spawning beds as a terrible offence, and the most destructive thing we have to deal with. It is, unfortunately, in the winter season, when all the people concerned have nothing else to do, and they go out at night with a rod of turf on the end of a fork to kill these little rivers, and they take a tremendous lot of fish.

12354. Within your experience, is that increasing?—No, sir, I don't think so.

12355. It is the same as always?—Always the same, and always will be till there is an efficient and proper method of dealing with it. I don't know that I have anything else to mention.

12356. Have you ever thought that an identical close time on the lower and upper stretches of the river does not serve any useful purpose?—An identical close time?

12357. Yes?—Undoubtedly it does not.

12358. Have you any idea as to how that could be remedied, for the lower stretches, for instance, to have the close time earlier in the week?—You mean the weekly close time?

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Mr. ARTHUR BLOOM-SMITH—continued.

[LONDON.]

Chairman—continued.

12369. Yes?—I do, I think that ought to be altered.
12370. How should that be altered?—My idea is to have Saturday and Sunday on the lower river, and Sunday and Monday on the Upper. On a long river like the Shannon, it is impossible for the fish to travel from Loop Head to Castleconnell in two days.

12371. You don't think that you should have a longer weekly close time than two days?—Oh, we could not. It would be unfair to the fishermen.

12372. Saturday and Sunday on the lower river?—Yes.

12373. And Sunday and Monday on the upper?—Yes.

Mr. Gwynn.

12374. To what stretch would you limit it?—The fresh and the tideway.

12375. You would not let the man fish on Sunday?—He can't fish on Sunday above or below. I am talking of nets. Of course you could have it at Thomond Bridge if you like, at some place where you would have a physical boundary, not an imaginary one, such as a bridge or something of that sort.

Chairman.

12376. You think that would be an improvement?—I do, sir, a great improvement.

12377. Now, you heard the evidence of Mr. Hoeford as to the length of the Shannon, and the difficulty of the Conservators coming here to Limerick and the expense of it. Have you anything to say on that subject, or on the subject of the constitution generally and the election of the Conservators—do you think it is satisfactory that the licensed fishermen should elect the Conservators?—Well, sir, I don't know what other way you are going to deal with it. They are the people who are chiefly interested in it.

12378. We are here more or less to excite interest in the minds of the new riparian proprietors?—I am aware of that.

12379. But that plan does not give them representation?—Except a man takes out a licence and then he has a vote.

12379. But supposing he is not a fisherman, he would not pay for a licence?—No, but if he lets his fishing, the man to whom he lets it would take out a licence and would have a vote.

12377. In your opinion, does that work satisfactorily?—I think it works satisfactorily as far as I can see. If the Board had the money they would mind the river, but they have not the money, and therefore they can't mind it.

12379. On the subject of preservation, you are rather pessimistic?—I am, sir, very.

12378. And you do not see any way to increasing the revenue of the Board?—Of course you would get an increase of revenue if you took off the rebate.

Chairman—continued.

12374. That would not do very much?—It would do a great deal.

12375. I am afraid your remedy is, that public money should be expended?—I don't see that you can increase the business on the fishermen any more than they are giving, and I think they are paying as much as ever they can. We have been getting along now by the help of subscriptions, and the Department gave us £4 or £5 (I forget which) for every £1 we subscribed. I may tell you some of the first net fishermen have given subscriptions to that fund.

Dr. Makoffy.

12376. We are very glad to hear that?—They have, sir. They have given subscriptions to that fund, and in that way have, of course, helped to preserve the fish. But of course it is an unsatisfactory thing to have what I look upon as a national industry kept alive by a petty subscription. It is an unsatisfactory way.

Chairman.

12377. You see no way for protecting the spawning fish in the upper reaches, which are not fishable waters at all, except by employing men to protect?—None, sir.

12378. There is no way in which the interest of the people up there could be excited to stop this and to preserve?—No, sir, and I will tell you why. It is, unfortunately, an unpopular thing here to enforce the law, and you will never get a neighbour to go in to prosecute another man for a breach of the Fisheries Laws or any other; he may wish to have the offence punished, and he may have an interest in it, yet it is so unpopular a thing, and he would get so much abuse over it that you will never get him to do it. I know of a person with a fishery, a man who got a substantial rent for his fishery, but the people round him used to go and poach on it, and fish it in spite of him, and nothing in the world would induce that man to come into court and simply give evidence to prosecute.

12379. Although he was likely to lose his tenant?—And he lost him.

12380. So that losing his tenant was cheaper than to prosecute the poacher?—Yes, and you will never get the people up the country to do that, till you get a satisfactory public opinion. Till the feeling of the people changes you will never get them to come forward.

12381. We hope it will?—It may change, but it will take a long time.

Chairman.

12382. Thank you, Mr. Bloom-Smith. You have given us very valuable evidence.

Mr. HARRY LAFORT, J.P., examined.

Chairman.

12383. You are an ex-officio member of the Board of Conservators?—Yes.

12384. What part of the river are you interested in?—From Killoe; but whilst your memory is fresh on the subject of the ten per cent. rate I should like to give evidence on that.

12385. Quite so?—I was the originator of the resolution passed by our Board to inquire into it, and they got a printed form made out showing the valuation of the different fisheries specified and where they were. Well, to my astonishment, at Killoe, where I live, there are two of the most valuable fisheries rented for at least £100 to £150 a year, not rated at all, they pay no Poor Law Valuation and they don't pay us the ten per cent., and when that was pointed out we had a committee formed, and we found that this thing existed to a large extent over the whole Shannon. We then applied to your office to urge the Valuation Office (which we found a great difficulty in getting done) to go over the whole thing, because I think it was Mr. Green who said there was only £1,200 or £1,300 a year valuation on all the Shannon fisheries altogether. Well, if they were properly valued we would have a little more income.

Chairman—continued.

12386. I suppose £4,000 or £5,000 a year?—I won't go so far as that.

12387. Did you ever try to excite the interest of the District Council in this matter, because wherever you would get £10 they would get more?—They would get £30.

12388. They would not get £30 exactly?—They get nothing at present, and we will only get ten per cent. of what they get.

12389. They should certainly get 4s. or 5s. to every shilling you get?—Yes, but I thought it would be a little more. But we found it very hard to get them to do it. I knew a place at Killoe where two of the biggest fisheries are left out altogether, and their rental is £350 a year. They are not on the list at all. Castleconnell seems to be very well minded, but below it there are large tracts never valued. Castleconnell seems to have been pretty well looked after as to valuation.

Mr. Green.

12390. If the valuation of that district could be ascertained, why cannot the valuation of the Killoe fisheries be ascertained?—It is a mystery to us at

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MR. HARRY LESTER, J.P.—continued.

[LONDON.]

Mr. Green—continued.

Killaloe. We cannot see how these big fisheries were ever left out. It seems a mistake.

12391. Have not the Board the power to demand a valuation?—I have been hammering at that for two years, and at last we have a committee formed who are trying to get it done, and pointing out in the various districts the different fisheries that were not valued at all. And I sent a copy of that to your Secretary, and asked the Poor Law Valuation Office to interest themselves in the matter; now in the upper Shannon there are several fisheries which have the rate of ten per cent. put on.

12392. That is now being done?—Yes, but it requires some urging to get it done. If all the cold water that was thrown on our backs had taken effect it would not have been done; but I quite agree with the evidence that Mr. Blood-Smyth gave, and that was that the license should not be deducted from the payment of the rate, as in fifty per cent. of the cases they pay nothing at all.

Mr. Gwynn.

12393. You mean that there is no surplus?—No, nothing. The first question asked is about the netting. From Killaloe up to the top of the Shannon my work brings me continually on the river, and I am only talking about what I know, because I know nothing about netting down here; but there is some netting up there which will always be carried on, if the river is not made valuable enough for rod fishing. No farmer will waste his time on the preservation of the Shannon where it is very sluggish, to look for salmon with the rod where they will only get one in a week or a fortnight, whereas with the net they could sweep the whole river, and it is to stop that that we should try. We have only six halfpence at the place on the average during the whole year, and they cannot be everywhere, and combination would be the only thing, in my opinion, to promote effective preservation. These men don't care a pin about the sport of it, but they want the money value, and they will get that money value out of it working together; and the right way to get that money value is by letting.

12394. Can they make more by combination to let for angling?—Well, it is the experience of every sportsman that it is not the value of the fish that you are fishing for that counts, but it is the sport.

12395. It is a case where the man has either to net or to let?—If he goes to do it by rod fishing it is not worth it to himself.

12396. But do you think that, as a matter of fact, supposing those tenants continued they would get more by way of rent for their combined fishing than they would by netting?—Undoubtedly. The value of the fish at the very outside would be half-a-crown, but it costs most men a sovereign a pound to catch a fish. That is our average at Killaloe in a great many cases. A great many men spend £40 in fishing, and they have not gone away with 40 lbs. of fish. Some of them have gone away with nothing. In the same way with grouse shooting, everyone knows what a phenomenal cost, and the same thing applies right through. Now, we are trying to protect the Upper Shannon, and we have got about 1,200 miles to protect, and what is spent on that, from Killaloe Bridge up, according to the official figures furnished to me, is £170 odd, which works out that we spend a shilling on every mile in the year, and you heard Mr. Vassiliart's evidence that down here where there is a great deal of protection needed they have 10s. to spend, and we have just got 1s. I think that that protection could be supplemented in a great many things, and more particularly by the police being asked to look after it. In some cases in our district where we ask District Inspectors they always say they will if the men have time, and we gave instruction to those men to do that in former days when so much of the fine was given to the policeman. Unfortunately that has been altered now, which consider acts most unfavourably on the conservation.

12397. Did you ever bring the undesirability of that under the notice of the Constabulary authorities?—I think our clerk did, and I know one case in which a member of the Board of Conservators of Athlone district fought it out to the end, and he got the man his fine, but query whether fighting the matter out

Mr. Gwynn—continued.

told against the individual policeman or not in the end. There is a scheme which I have always upheld where we have not got money. We have not got the money to protect this large area of rivers, and I cannot see why we cannot adopt the same scheme as in Scotland of shutting off the mouth of the river altogether during the close season, and leaving a man to watch and to keep the weeds out of it. It is far cheaper to do that than to have a few halfpence over 500 miles of river.

12398. You propose to shut off the mouth of the river?—To shut off the mouth of the river during the close season.

12399. That is the small rivers?—Yes. The law in Scotland is that the mouth of the river is shut off. The water can come down and the weed and stones are removed, but the fish cannot go up.

Chairman.

12400. I am sorry the Inspector of Scotch Fisheries is not here, because he rather doubts to the proposal to interfere with the natural run of the fish on these rivers, and he says it has not been tested at all, and you may do a great deal of mischief by harring certain tributaries?—You have got no river in Scotland as big as the Shannon for spawning. Now I come to a debatable subject. I am not going to look at it from the aspect of the leniency of the Lord Lieutenant, but from the financial point. We asked our clerk to draw up a statement of what the fines were and the cost of them, and what was the cost, and it is a loss to us of nearly £200 a year on the average, and then we complain of our want of funds, and go with our hat in our hands begging to the Department to give us money. Knowing that we have already succeeded in shovelling away £200 a year, and I think that this Committee could not do a more valuable thing than to ask his Excellency in future to go into the matter himself, because surely after a decision has been arrived at by two or three bodies, why should one over-ride the whole. I don't think it has ever been explained to the Lord Lieutenant individually the harm that he is doing.

12401. Well, the general expression of opinion we have received, of course, relates rather to the general question of the prosperity or otherwise of the fishing, and the means and the position of the Conservators, but we cannot go into particulars, and we certainly can give you no pledge that we will go to the Lord Lieutenant?—But, personally, I don't think it has ever been brought directly under his notice, because, as the thing is going on at present, it is a perfect fiasco, and if I had my way our Board would resign till that matter is amended.

Mr. Green.

12402. Every week there is a revolution on this point in the newspapers? Witness—Does he get it?

12403. They are addressed to the Lord Lieutenant?—Well, that makes it worse. I was forming a more favourable opinion of him. I did not think that he knew it, but, as it is, it is a perfect farce. They all know it, and they know what is going to occur. I also agree with the suggestion that a half-crown trout fishing license should be put on every single rod. Take Lough Beg, where I live, where you have a tremendous number of fishermen coming over from England every year for the dapping, and we get nothing from them except what is given voluntarily. We get nothing locally, and I don't think the poorest boy in our district would object to such a license, because we have asked, and they say they would agree with it, that every trout fisher should pay half a crown.

Dr. Mahaffy.

12404. You could have a special charge for May & May fishing?—I would be very glad to see 10s. put on the May & May fishing, but, unfortunately, it must be an equal licence on all.

12405. But you might put it on for the May-day season?—I would be very glad to see it done. Last year there were from 178 to 260 rods fishing on Lough Beg. We preserve this fishing as much as we can, but these men that do come over, some of them give, but they

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MR. HARRY LORRY, J.P.—continued.

[LONDON.]

Dr. Mahaffy—continued.

are always scrambling, and they do nothing to preserve the fishing themselves.

12406. The main Shannon is not a good trout river?—Except where the stream is a little rapid. You have it at Killaloe and Castleconnell, and you have it in

Dr. Mahaffy—continued.

other places, where it is fairly rapid in some parts of the year, at Banagher, and sometimes at Athlone.

12407. I take it that the fish in the main river are not the same as in the lake?—There are two kinds of trout on Lough Derg, distinct kinds of trout.

MR. EDWARD THEODORE INGHAM, continued.

Chairman.

12408. You are an ex-officio member of the Board of Conservators, and you have an interest in the rod fishing at Castleconnell?—That is so, sir.

12409. And you are a generous contributor to the funds of the Conservators?—That is so, sir.

12410. Now, we should be glad if you would give us any information that you can in the way that you think best?—Thank you, sir; I wish to say, in the first place, that I have, to a certain extent, collaborated with Mr. Blood-Smyth, and that I agree entirely with the evidence which he has given, except on one or two minor points at the end, on which there is very little difference. Perhaps you would allow me to say just sufficient to show that my evidence is of the same nature, and I propose to give it very shortly.

12411. Yes, you generally agree with what he has said. We don't want you to go into particulars where you have told us that generally you agree with him?—The effect of the transfer of the land to the tenants will undoubtedly cause a large increase of netting in the upper waters, which will be fatal to them in the course of time and to the whole river, and my suggestion for dealing with this would be that the principle of the Act of 1868 should apply; in other words, that there should be no licence or authority given to any new net which was not working at that time. If you think that that is too drastic a measure, fix a period not less than thirty years ago.

12412. Then you agree with Mr. Blood-Smyth that there should be an inquiry, and that no man should be licensed except a man who obtained a certificate after that inquiry?—That is so, sir. With regard to the ten per cent. rate, I consider that there ought to be no rebate for licences issued, in all cases. The funds of the Fishery Board are hopelessly deficient. There is no duty on trout rods at present. I think that there ought to be a duty of half-a-crown, and I believe that the revenue from that figure would perhaps be greater than from the salmon rods at the present moment. In proceedings under the Fishery Acts the appeals should go to the County Court Judge, and I was going to suggest that that should be the end of the thing, that his decision should be final. I think you have heard a great deal about the Lord Lieutenant, and I believe there has been more harm done to this unfortunate river Shannon by the remission of fines than anything else.

12413. Then you think that the appeal should be to the County Court Judge alone, and that when his decision was arrived at there should be no appeal whatever to the Lord Lieutenant?—Yes, because the Lord Lieutenant cannot know all the details of the case, and I have seen some of the materials that have gone to him, and they are absolutely absurd and ridiculous, without saying that they are fine.

Mr. Green.

12414. Then you would give to the County Court Judge the power to go below the present minimum penalty?—Yes, let him do that if he likes. I would leave it to him as a knowledgeable person, I only want more finality. At present the law is a fearful waste of the funds of the Conservators.

Chairman.

12415. Of course, you know you ask what is rather difficult, inasmuch as any person who is sentenced to imprisonment, and this would be imprisonment in default of a payment of a fine, can appeal to the Lord Lieutenant?—Very well then, leave out this, only for goodness sake let his Excellency—I don't want to say too much. You talk about the prevention of poaching. If you want to prevent poaching completely you

Chairman—continued.

would have to alter all your laws, or at least make a good many of them and modify them. I would suggest that there should be no fishing with nets within 100 yards of any mill dam or weir wall either above or below in fresh water. I agree with what Mr. Blood-Smyth said about illegal engines, if any were found on or near a river they should be liable to seizure whether found actually fishing or not, that the cause of proving the right to use nets in fresh water should lie on the person using them and not upon the Board of Conservators. Persons having in their possession salmon and trout during the close season for netting should be bound to show that they were legally caught, and I also think that there should be the power of search, as suggested by Mr. Blood-Smyth.

12416. That is so in England?—Yes, it ought to be so here. That means that you can search boxes of fish going to the station. The right of search by bailiffs should be extended to the man's person as well as to his boat. It would be well to define the mouths of rivers. I would prohibit netting in fresh water absolutely in any river less than 50 yards wide. There should be no fishing of any kind (except collecting) by night in fresh water, or, indeed, anywhere save at sea.

Dr. Mahaffy.

12417. Even with the fly?—No, netting.

Chairman.

12418. You mean draft netting?—Any kind of netting.

12419. Draft nets are not used in fresh waters?—They are not used in fresh water. Using lights in killing fish in close season is such a serious offence that I think the penalty ought to be imprisonment without a fine.

12420. Mr. Blood-Smyth said that the court should have the option?—Well, I will modify it to that extent.

12421. That is to say, that the court should have the alternative power to impose imprisonment without fine?—Yes, they ought to have power. The salmon Act says that salmon are to have a free pass from one end of a river to another. They have got it to a certain extent in fresh water, but they have not got it in the salt water. There are serious fences erected the whole way down in the salt water, which makes it impossible for salmon to travel up. These fences are the leaders of the stake weirs. The remedy for that is, that the leaders of these stake weirs should be hung up during the weekly close time.

12422. Mr. Blood-Smyth introduced this in his evidence, and we thought that it was hardly a part of the subject of our inquiry to go into the particular character of the stake weirs?—Well, sir, I am sorry. I understood that the object of the inquiry was that the Shannon, from one end to the other, should be made the best possible commercial use of.

12423. Well, we surely go as far as that; our inquiry is particularly on the subject of the interests of the new riparian proprietors. Of course, the propriety of the river is involved in that, and so far as it is we can inquire into other matters. The reason that we don't go into the character of the stake weir engines in this inquiry is that we think that is beyond us?—I don't object to the character of the engines, but what I want to have done is what I have seen done many a time, that is, that these leaders should be hung up, and that there should be a free pass, and then there would be no need to employ a steamer or anything else, and you could save money, millions of money in preservation.

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MR. EDWARD THOMPSON INGRAM—continued.

[LONDON.]

Mr. Green.

12424. Of course, if you had a steamer to protect the river it would do just as well?—We should spend £1,000 a year in doing it, when that (i.e., the owners of stake weirs) could hang up all the nets for a few shillings. I have seen it done scores of times in Yorkshire. In reference to this matter, I have a little point that I should like to notice.

Chairman.

12425. This is with regard to stake weirs?—I can't deal with the stake weirs if you lay down that rule, and I will only refer to what relates to the new provisions in fresh waters.

12426. But in reference to stake weirs. The stake weirs exist owing to an inquiry made years ago and under which they were certificated?—I remember the Act of 1868 quite well.

12427. And there were certain regulations, and if there is anything that falls short in that way it is a subject for inquiry, I presume, by the Inspectors of Fisheries?—Yes.

12428. And it is to them that I think it should be put, not to us, to go into these particulars?—Well, it has been put to me before by the Inspectors that they had no power to make that order, and that they would want a new Act which would give them power. I suggest to have the whole of the leaders hung up. It could be done in two hours.

12429. Mr. Pugh: The suggestion is absolutely impossible. Supposing it were blowing a storm, how could you expect men to go out and lift up your leaders unless at the risk of their lives? Witness I have

Chairman—continued.

seen it done many hundreds of times. It is very important that eel nets should be raised above water an hour before sunrise till an hour after sunset, because during the daylight the fry run in that one hour in the early morning and early evening, thousands and thousands of them. They are caught in the eel nets in the month of October—there is a second run of fry in the month of October—and I agree with Mr. Ballings' evidence that there is enormous destruction of young salmon fry during that time, and I would suggest, following the 35th and 36th of Victoria, chapter 105, that nothing should be limited to an hour before sunrise and an hour after sunset. I agree that there should be an increase on draft net licences. It would be a fair thing to do, but not to increase it very largely. Eel licences should certainly be taken out in the district where they are used, and be not transferable. Generally, I think the constables ought to help, not to look on and smile. At the present moment the Irish constables know perfectly well all the poaching that is going on, from one end of the place to the other, and they simply look on and smile.

Dr. Mahaffy.

12430. Most witnesses have spoken of the very efficient help given by constables so far as they were able?—They may have done so in some places, but the general thing is that if the poachers in the river knew that the Constabulary were prepared to take notice of what they saw it would stop poaching to a very large extent in the whole Shannon.

MR. MICHAEL GILBERTSON, examined.

Chairman.

12431. You are Crown Solicitor?—Yes.

12432. And you have acted for a large number of tenants purchasers?—Yes.

12433. And you will give us some evidence of their views as to posestration and as to how they will be likely to treat the fisheries?—Yes.

12434. You are a member, I understand also, of the Lough Derg Fishery Preservation Society?—I am.

12435. Now, will you just give us the benefit of your suggestions as regards these tenants who have purchased, and tell us how you can illustrate the position by what they have done?—Well, I have noted for a great many tenants in North Tipperary in the purchase of their holdings, and I have noted for a few landlords. In the earlier purchases antecedent to the Purchase Act of 1903, when they were purchasing, no question arose as to sporting or fishing rights. They were given to the tenant without any question. There are some four or five estates that I am acquainted with, adjoining or abutting on the Nenagh river or North Tipperary river, which were sold to tenants under the previous Acts. Those tenants up to the present time have not made an attempt either to preserve the fishing or to exercise their rights in this river. They have simply left them as if they never had acquired them.

12436. Were they of any value before they did acquire these?—That was what I was about to mention to the committee. Previous to the Land Purchase Acts the owners of the river, the riparian owners in North Tipperary, took no interest whatever in the fisheries. They neither preserved them nor took any interest whatever, nor did they prevent people poaching or fishing. They did not cut the water, and they took no interest whatever in it, as I have mentioned, and the result was that those waters were fished any way and anywhere and by everybody.

12437. Were those salmon rivers?—The Nenagh river used to be a very good salmon river up to about twenty years ago, but it has deteriorated rapidly since, and becomes practically of little value except for an odd fish in April, a spring fish, say 9 lbs. to 12 lbs., and a fairly good run of peal when the water suits in the month of June, or in the last week of May and beginning of June. For instance, some four or five years ago I believe about 150 peal were killed in the first few weeks of the month of June, in that Nenagh river alone, of which I got about fifteen or twenty myself;

Chairman—continued.

but that was a very exceptional year, and the fact is that the salmon fisheries have deteriorated altogether in that river, and the tenants have neglected, and continue to neglect them. They were fished continually. The general public were allowed to fish them as they pleased, and people did not like to interfere. Angles go along the banks, and they had an idea that they had a kind of right to go along there, and the tenants did not interfere with them in any shape or form, and they have not interfered with them up to the present, and the result is that the fishing is greatly injured. I practically preserve my own bit. I have about two miles of fishing myself on the Nenagh river, and these past eleven years I have preserved this myself, and this is the way I preserve it. I allow no one to fish except with a written or printed permission to fish from myself, in which I require them to bind themselves not to fish for salmon without a licence, or after a certain date in June, and not to kill fish of a certain length, and the result of my doing so in my own particular piece of the river is that I have actually altered that particular portion, and we get fish up to 1 lb. and 3 lbs. weight very often. Professionally I know that two large estates about Lough Derg were purchased under the Act of 1903, the Stafford O'Brien Estate, of which Mr. Sanders is the agent, and the O'Malley Estate. The Nenagh river and its tributaries were practically comprised to a great extent in these two estates, and when the estates were being sold the agents wished to preserve the sporting rights, including the fishing rights, and the tenants were anxious to acquire them, and being first about purchasing for some time on that question, but eventually for the purpose of getting the matter through (it was immediately after the passing of the Act of 1903) I advised them to have done with squabbling about it and not to lose the benefit of the Act, and I got them to purchase and leave the sporting and fishing rights with the landlord. Both the agents informed me that they were anxious, now that the property was passing away, to have these fishing rights specially preserved, and both of them promised me later on that they would give me a lease in trust of these fishing rights if I could form, or get the new tenants to form, an association to be started in the locality, and I have that promise still. We did form an association, or rather I didn't form it, but an association was formed, and it was intended to be as

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MR. MICHAEL GLEESON—continued.

[LIMERICK.]

Chairman—continued.

extensive one, and to include all local anglers, and if possible the tenant purchasers as well; but I am sorry to say that they have not gone altogether on the lines that I wished them to go on, and I was not prepared to give them the benefit of the lease, but I need not go into the details of that subject.

12438. It remains as it was?—I have the promise from these two owners to give me the fishing rights for the benefit of the general public in the locality, if I or other people get an association formed to take over those rights, and they form an association properly to preserve the fishing, I believe it will be done.

12439. Would the tenant proprietors be benefited at all by this?—I suggested to the people who started the association that they should approach the tenant purchasers, and if possible get them to come and join and have the benefit of the association, but that was not done. That is the reason I am not supporting the association at present, because I believe without the tenants' assistance and good-will it would be utterly futile to attempt the preservation of those rivers, because if they helped in they would become practically bailiffs and look after the thing and protect it.

12440. I presume the agents of the landlords are of opinion that there is no use in keeping this river in order to develop it?—The landlords themselves were unable to properly preserve those fisheries, and it is really for the interest of the locality, and to give the advantage generally to the locality, that they were anxious to give me these fishing rights.

12441. You have not succeeded yet?—No, sir, but I am on the way to do so, and it will be done. As regards the other tenant purchases in the locality, they have got the leasehold of their holdings without any limitation on what I call the small tributaries in the locality, and I think there must be at least 300 miles in the different tributaries, and what I call first-class spawning grounds in North Tipperary included in these rivers, the finest spawning grounds in Ireland, nothing but pure, clean gravel and good clear water, with plenty of fish food, and so on, and that would hold a very large stock of fry. It is the greatest pity in the world to have it practically absolutely neglected as it is at the present time. There is really no preservation on the river in the upper waters so far as I know; I mean no adequate preservation.

12442. Those rivers are not fishable waters?—Oh, yes, for trout, and an odd pike in the month of June.

12443. Are they fished on?—Yes, they are fished, and very extensively. And what is more, every angler up there is quite prepared to pay a license for fish preservation, to pay a sum of one shilling a piece.

12444. There is no combination amongst the tenants?—No, the tenants want what they call something tangible, something that they could put their hands on. They are not anglers, and they take no interest in the fishing, but if they see any money-making in it, anything to acquire in the way of profit, they will take care of it. My idea is this, that the younger men at home are beginning to see that there is value in it. The sons will look at it from a different point of view from the older men, and they will take it up as they did in the sporting clubs. And on the tributaries of the Nough river they have formed sporting clubs, and the new tenant farmers, the new purchasers, have joined it, and they have the sporting rights and they allow nobody else to go on their lands without their permission. My idea is that this could be used as an adjunct to the fishery association if people with a knowledge of fishing interested them in it and got them to work together.

12445. Is there any other matter that you wish to mention?—I heard to-day a great many matters mentioned on the general subject of the preservation of the fisheries in this district, and I would like to make some comment on that. To begin with, I believe that the constitution of our Board of Conservators at present is an absolute farce, that they are really doing nothing. They are making no attempt at preservation, and where the money is spent I don't know. There is no value given for it apparently, except the preservation of the lower Shannon, and I have heard to-day that even the lower Shannon is not preserved. I have heard the Inspector say so, and I have heard Mr. Hooford say so, and I don't know where the money

Chairman—continued.

is spent. They ask you to-day to get from the Government, from public funds, a considerable addition to their money. Well, if they are not going to preserve in a better way than they are preserving at present I don't see why they are entitled to get any such money. The way it is at present is this. They employ for two or three months in the year men who are taken from the labouring class, or the fishermen class, and who belong to the general public and who will have to go back to the general public when the time is over. These men will take no interest in putting the law in force if they have to go back to the same men again that they have been working with. The only way is to establish in Ireland a river police on the basis of the present Constabulary, who would be permanently employed and have a fixed salary and have a pension and be men that could be prepared and taught how to preserve the fish. I know men acting as bailiffs who don't know a minnow from a salmon fry, and it is a complete waste of money, and I say preservation as at present carried on in Ireland is utterly useless from the way it is worked at the present time, and if it is not worked in the way I suggest, no matter what money they get, they can't properly preserve the river.

12446. Have you any suggestion to make as to the constitution of the Board of Conservators?—I have not come prepared to go into that matter, but I would be quite prepared to put my ideas in writing on the whole subject after a little time, because I think the thing is a most valuable property of the country, and it is a property that is not sufficiently appreciated by everybody. The general public don't appreciate the value of the fisheries of Ireland at all, and another thing is that the Conservators, as far as I know, have not studied the fisheries from the natural history point of view. A great many of them don't know a single thing about the history of salmon, or the proper propagation of fish, or information of that description. Their only trouble is about what they knock out of it. Now, the great spawning beds are getting choked with weeds and faggots, and so on. Rivers that used to breed any amount of fish are getting choked up and absolutely useless. Have these Conservators ever gone up to look at one of them?

Dr. Mahaffy.

12447. That is all done by nature?—Yes, but if the business was properly worked, these rivers would be put in order, and the spawning beds would be regularly cleaned from time to time, and the fish would get proper access to them. Nobody ever looks after that, nobody ever bothers his head about it in any shape or form, and it is ridiculous to talk about people spending money to look after the lower Shannon if you neglect to look after these spawning grounds where the fish are perpetuated, and to have them properly preserved, but that is not done. I saw 3,000 salmon fry at a mill weir last summer outside Nenagh, and the little boys fishing away and taking them by rods with worms and fly. I had to give up my own business and to stay there several days to hunt those boys away. What would be the use of spending money on the lower Shannon, if 3,000 fry like these are let go derelict. You can't have fish if you haven't fry. You can't have a salmon left at all if the fry are not let go to sea.

12448. Are there any hatcheries?—No, sir, there are no hatcheries. As regards the money that they want, I would be prepared to say that the public ought to subsidize something, because the fisheries are a great advantage to the public generally. I think the owners of the fisheries and the fishermen, who are benefiting commercially by the fisheries, ought to put their hands in their pockets for the first time, and what I have heard to-day utterly surprised me, that the valuation of the Shannon fisheries amounts to such a ridiculous sum as was mentioned.

12449. £1,300?—It is absolutely ridiculous. As far as I am concerned, with the little bit of fishing I have in the Nough river, one year I got some, and some years I can get none, and I am quite prepared, if there is any decent preservation, to have it assessed at £5 or £10 a year, or more, and pay duty on it; but there is no attempt at valuation or assessment of any description.

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MR. MICHAEL GLEESON—continued.

[LONDON.]

Chairman.

12450. Now, we don't want you to spend a great deal of time on the paper, but we should be very glad to have any suggestions that you might care to make, or you could forward them to our Secretary?—Certainly, I will, with pleasure. There were other matters mentioned to-day that I did not agree with, but I agree with what Mr. Hood Smith said as regards suggestions for alteration or amendment of the law, in a great many points. I agree wholly with him on that. A great many things require amendment and revision that have not been looked after at all.

Mr. Green.

12451. But, then, you don't agree with him in thinking it is impossible to fix a valuation on a man's fishery?—No. My idea is this. I don't want to have the inquisitorial business of the Income Tax introduced into the fisheries, but I say any owner of a fishery should be able to give a return of what he makes out of the fishery, and let it be assessed accordingly, and any man that claims to be a riparian owner should pay something towards the preservation, and I am prepared to take my part, and I don't see any difficulty in that either, and others are also prepared.

12452. Do you think it would be a good thing to give some of those riparian owners a voice in the management of the river, even if they did not take out a fishing licence?—Certainly, sir; what I say is this, that if a fishery is worth anything, even a trout fishery, that trout fishery should be assessed and rated as well as everything else, and all classes should be represented on that Board.

12453. It might be difficult to manage if every riparian owner whose fishery was worth anything or not was to get a vote, but if all those who paid anything to the rates were given a vote, that would limit it to a certain extent?—It would. I think everybody should have a vote, but it would be fair to limit it to the men who paid rates.

12454. Any man whose fishery was valued for taxation purposes?—Yes, he should have a vote, but at the present time, as the Board is constituted, it is utterly useless for any purpose. The upper water men don't attend, they don't spare the time to attend; but they won't attend, as they have no interest in it. They have their own commercial interest to serve, and they don't care a hay-bath about the salmon fishing of the upper waters.

12455. Would you agree with the principle of the formation of separate sub-committees?—Yes, I believe there is one that manages the Feale. I believe in

Mr. Green—continued.

every district they should be appointed and practically given jurisdiction over the district. We have on Lough Beg an association, if we were officially recognised, but we have no authority under any Act of Parliament, and I think there should be such an amendment of the law as would allow of district committees being formed which would be recognised, and have power and have the real local management of their district. I think there should be a proper inspector quite outside of the Boards of Conservators who would examine the districts from time to time, who would visit them and see that the thing was being carried on properly and the game-values properly kept up. But there is no such thing at present. The Fishery authorities in Dublin, as far as I can see, have no power over the local authority whatever, and they should have a great deal more authority than they possess. Before the Act of 1903 was passed I was asked by an official to draft an administrative clause dealing with the working of those sporting rights and fishing rights and many other matters, and I did, but it was not introduced into the Bill because it was thought that it would clutter it too much; as it was never thought at that time that so many holdings would be purchased with fishing rights. Now I think it is right that a Bill should be immediately introduced dealing with sporting rights and fishing rights and fishing rights in connection with all those purchased holdings, and that the thing should not be left unsettled, but there is nobody to look after that.

Mr. Guyon.

12456. What do you think the tenants would say if the State proposed to resume to itself the rights which have been granted to the tenants?—What I say is this. You, for their benefit, have made a property which is a valuable interest of the country, and when that property is left deserted and not used, I say the proper thing to do is to take it up from them. I do not think so very valuable an asset of the country has a right to be left undeveloped or unused. That is my opinion of it. It is unfair to the whole country. This is a property which would be of the greatest possible benefit to the country if it was properly preserved, and why should it be left to poachers.

Chairman.

12457. I am very much obliged to you for the information you have given us, and we should be very glad if you would put down at your leisure any observations that you think would assist the Committee?—Yes.

MR. HENRY V. MACNAMARA, D.L., J.P., examined.

Chairman.

12458. You are an ex-officio member of the Board of Conservators?—Yes. What I propose to do is to take these five points that I have reserved from your Secretary in the form of questions. The first is: "What effect the transfer of riparian lands to tenant purchasers under the Land Acts has had on the fisheries?"

12459. You live at Ennistymon?—I live at Ennistymon. I have a fishery there.

12460. On the river Cullen?—The Cullen, or the Ina, as we call it. I propose to deal with these five points. I don't know of any case in my neighbourhood where there are any tenant purchasers, but I certainly would recommend that the State or the Fishery authority should acquire the fishing rights in such cases. I think it could act in conjunction with the local Fishery Board. I certainly think its authority should be above and superior to that of the Board of Conservators, which I call the local Board. Then you ask: "What arrangements can be suggested with a view to giving tenant purchasers an interest in preserving and developing the fishery?" I think the State should give the tenant purchaser a concession for acquiring the right to preserve the fisheries adjoining their holdings. Suppose a tenant purchaser has thirty acres of land with a quarter of a mile of water or

Chairman—continued.

more, with a value of £50 a year, you could give him £3 10s. provided he would assist you (I am talking of the State or the Board in Dublin) in preserving the fishing. Speaking from my experience, I don't think you will ever get the tenant purchasers themselves to undertake the preservation of the fisheries. The tenant purchaser would be afraid of becoming unpopular in the district, and of being accused of being an informer or something of that sort. People in Clonsilla are very much afraid of that and don't assist in the maintenance of the law consequently. Now, as to No. 4, "What part the Board of Conservators could take in this preservation and development, and how far their resources are adequate for the purpose?" I don't think their resources are sufficiently adequate, and I rather agree with the last witness when he said that he did not think that the Board of Conservators was a very efficient body. I must say, though I am a Conservator myself, that my experience of the Board of Conservators is that it is a continual scene of strife and rivalry between the upper waters and the lower waters of the Shannon. I don't think the monetary resources of the Board are adequate, and I don't see how the Board of Conservators could spend money in preserving these different stretches of the river that the tenant pur-

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MR. HENRY V. MACNAMARA, B.T., J.P.—continued.

[Continued.]

Chairman—continued.

chasers have. Take my case now. Just near my place at Ennistymon there are two rivers near the town of Lahunah, not far from the Golf Links there. My river has about half a mile of spawning beds, the Collins, and I have a certain amount of private preservation of that half mile of spawning beds. I pay £5 for a drift net licence, and I fish it every year and I naturally take an interest in it. The owner of the other takes out a licence and fishes the river, and there are ten miles of excellent spawning beds there, and I find I always capture more fish than he does, so that what you want is that the preservation of the spawning beds should be attended to. There was a remark which one of your members made a little while ago about interference with Nature. I have a place on my water where the fish spawn, and one year, in order to prevent flooding, I took a lot of stones out of that river, and I certainly think I injured my spawning beds by taking out the stones. And then there is another instance of it that I might mention in support of that. A cascade comes down just in front of my house; there is an owner there who takes a great interest in the river, and one of his tenants deepened the bed of the river, some distance above the Falls, and what has been the result of that? The flood comes much more rapidly and it falls off much more rapidly, and I think it is according to common sense that that is not good for the spawning beds. You may get some benefit, but the fishing will be seriously injured. I mention that on account of the references to interference with Nature. That is my opinion and my view. As regards poaching, I certainly think that if you want to preserve the fish you must punish the poacher; there is no doubt, I think, that that is an axiom that everybody will agree with. And I think poaching cases should be heard by a Resident Magistrate sitting alone, and I think that when fines are inflicted they should not be reduced in the way that they have been reduced by His Excellency the Lord Lieutenant, I suppose on the advice of his advisers. I think in cases where there was a fine of only £5 the appeal might be to the Judge of Assize. I think the police should assist in preserving the rivers. I think it should be part of their duty that if they saw any illegal net being done they should prevent it, but I think they should get some remuneration for it. I also think that when a policeman is engaged in a prosecution he should get some reward whether that prosecution is successful or not. That is what I have done in my own cases in preserving my game. If there is a capture of a poacher I give one of my men 30s. If there is a prosecution I give him £1 whether the prosecution is successful or not. I think that is a very fair way. I investigate the case, and I do not order a prosecution unless I think that it is a hopeless case and that there is a probability of a conviction.

ALDERMAN MICHAEL JONES, M.P., examined.

Chairman.

12478. You are Parliamentary representative of Limerick?—Of the city.

12479. Now, I suppose you have noted what has been going on?—Yes, I have been an attentive listener all day, Mr. Chairman.

12480. We don't want what has been demonstrated pretty fully mentioned over again, but we should be very glad of your assistance and of any suggestions and recommendations you have to make?—Well, Mr. Chairman, I find that a great many witnesses to-day involved very far outside the questions that were on the agenda submitted, and I desire to touch on some of the points that were raised by some of those witnesses, and notably those raised by Mr. Hodder; in this way I would first desire to touch on the present Board of Conservators. Now, sir, I believe it is pretty well known that I am not friendly to the Board of Conservators, and my reason for not being friendly to them is this, that I don't think they are properly constituted, and if the Board of Conservators were to my mind properly constituted, and that every person who has a right to get representation had a chance of being represented on those

Mr. Gress.

12481. Have you got any baillies on your river?—Yes, there is a baillie, but he is practically useless. The baillie is only paid £5 a year, and for £5 a year you won't get a good man. He will take the £5 a year, but he won't make himself unpopular with his neighbours and try to stop poaching and illegality for £5 a year. And the Board are only getting a surplus of £1 a year out of the fishery. My fishery is valued at £100 a year. I have no objection to that. It is valued at £10 a year for Poor Law purposes. I pay Poor Law and Income Tax on it.

Chairman.

12482. You think there is no difficulty in ascertaining the valuation?—Oh, no; I think none at all. I don't see why people should not give a return of what they get out of their fishery for three or four years. The difficulty is in those things, especially nowadays, when we are so highly taxed, that we all try to make ourselves out as poor as ever we can. That is only natural. I think a great many people if they were asked would give some return, and by degrees you would get these returns made regularly.

12483. And when that return becomes public, as it does for the purpose of collecting the rates by the other authorities as well as by the Conservators, a man is rather chafed if it is well known all round that his valuation is £100 and that he is only paying rates upon £10?—And if he is over-rated there is no reason why it should not be reduced.

Dr. Mahaffy.

12484. Is there good trout fishing in your river?—Yes.

12485. And white trout go up?—Oh, white trout come up.

12486. You have got trout lakes higher up inland?—Yes.

12487. Very good trout lakes?—Yes.

12488. Is there anything done to preserve them?—No, so far as I am aware.

12489. It is a valuable fishing?—Very valuable now, Limerick, but there is absolutely no preservation.

12490. Now, don't you think it would be worth while to have some preservation?—Certainly, it would be.

12491. Would you put a small trout licence on?—Oh, I certainly would. I certainly think a man should pay for everything like that. What are fishing and shooting? What are they but sport and luxuries, and I think a man should pay reasonably for them.

12492. And many people would come to fish these if the fish were preserved?—They would be very anxious to fish on them if they were preserved, and they would be greatly improved by improving the breed of trout.

Chairman—continued.

Now, my attitude instead of being unfriendly towards them would be quite friendly to them; I think every man coming here should voice his opinion for your information. I always regard the Board of Conservators as a class preserve for a certain class of people, and I have time and again told the members of that Board when I appeared before them that whenever they gave the poor fishermen, whom I am more interested in than in anybody else, fair play and fair representation on that Board, from that day out I would become their friend and I would do anything I could to serve them. Well, that has not come about yet. Now, in connection with that, we all know that Boards of Conservators are hampered for the want of funds, and to tell you the truth I have not been very sorry that they have been hampered.

12493. You would propose, considering the matter from the fishermen's point of view, that every licensed fisherman should have representation?—Quite so, sir, and I know how those things have been misapplied in the past. I think the men of action might be wiser, but I don't for a moment want to let anybody imagine that I don't want to see every interest

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ALDERMAN MICHAEL JOYCE, M.P.—CONTINUED.

[LONDON.]

Chairman—continued.

represented, or that I wish that the men who are now represented on the Board should not be fully represented, but I think that when elected public bodies expect people to contribute, and they ought to contribute if they have representation on those Boards of Conservators, those elected public bodies should be representative, and that would be an incentive to people to help in the preservation of the fish. Now, sir, that is all I want to say with regard to the Boards of Conservators. And then I was very sorry to hear Mr. Hosford say one thing about the magistrates. Well, I am not a magistrate, but I think the unpaid magistrates perform very curious duties, and I, for one, would never like to see prosecutions for poaching either for fish or anything else tried by a removable magistrate in Star Chamber fashion. If men are trusted to perform their public duties as magistrates, why should they not perform these duties properly and efficiently in a case of poaching as in any other case? I felt rather strongly when I heard what I thought was an unfair comment on the magistrates.

Dr. Mahaffy.

12477. What do you mean?—If you let me finish, Doctor. And then with regard to magistrates, why should not any prisoner send forward a memorial to high quarters if he desires to do so? I don't want to go further than that—if he desires to do so, and if he can get the official people to help him it is natural that a man should try and get out of a difficulty, and I don't see why he should not do so, or be hamed out from doing so.

12478. You spoke about a removable?—Yes.

12479. What do you mean by a removable magistrate?—A temporary magistrate.

12480. Removable in what sense?—He is removable at the will of the Government.

12481. From his office?—From his office.

12482. Was there ever such a thing done?—Witness.—Wasn't there?

12483. I only ask for information. I never knew one removed?—Well, you hear my objection to it.

Chairman.

12484. Anything else, Mr. Joyce?—Now, sir, a point was touched that interested me very much with regard to drift net fishing at sea, and I heard, of course, all that was supposed to occur off the coast of Donegal, and how the run of salmon round the coast of the County Mayo was interfered with and all that, but I wonder was any evidence submitted to you at any time that extensive poaching of this kind is carried on at the mouth of the Shannon?

12485. No; I was not present at a sitting when there was any evidence given to that effect. Do you mean poaching by drift net fishing?—Yes, by the French mackerel fishing boats. My attention has been called to it once and over again by men living down about the mouth of the Shannon both in Kerry and in Clare.

12486. Within what limits?—Inside a line from Kerry Head to Loop Head, that the French boats come in at night time, and those boats have a train of nets two or three miles long. They set their nets there, and of course drift with the tide. Now, I made inquiries some years ago into that, and I often spoke to some coastguards who were stationed out on the Kerry shore and in Clare at that time, and they told me such was the fact. That is years ago, and it still goes on, I am informed, and if that is going on to the extent that these people have told me that it is, that would mean an enormous destruction of fish, of pearl especially, in my mind, because the pearl in very many cases is not very much larger than a large mackerel, and he would mesh readily in those nets.

Dr. Mahaffy.

12487. That would only be counteracted by having a steamer there?—You would want to have a special watch there to drive them off, and if they were driven off, I think, for one reason, it would perhaps be sufficient, if the law were enforced against them. I think that whenever they would be from, and whatever countrymen they were, if they were caught the law

Dr. Mahaffy—continued.

should be enforced strictly against them, and that their boats of nets should be forfeited, for in many cases I am informed that when a fine is levied on some of the steamer trawlers when they are captured, they get back their nets and go on again. I have been informed that such is the fact. Now, I thought that was important enough to bring under your notice here. Now, I agree with a very great deal of what Mr. Blood-Smith said here to-day, but on all the points raised by him I do not agree. I do not agree with regard to the destruction of the mouths of rivers. But I do hold very strongly that something should be done to prevent the destruction of fish in the small tributaries of the upper Shannon. I have made inquiries into that, and I have been informed by fishermen who have been there, and know the place well, that the dams that are destroyed in most cases are unfit for food, simply full of oars and not fit for human food, and that they are taken with pitchforks every night out of these rivers, and that there is more destruction done there than by all the poor fishermen on the lower Shannon.

12488. Why are they pitchforked?—I have not seen any of those who did that to ask them the question, but my impression is that they are taken because they are fish, as you will see youngsters about wild hares that are of no value to them, and when they are found to be unfit for human food I have heard it stated that they are given to the pigs; but I think Captain Hall could throw a great deal more light on that side of the question than I can.

Chairman.*

12489. We have heard that many of these fish quite unfit to eat are sold down in barrels and kept for food?—Yes, I have heard that stated.

12490. And we also heard about the fishing out with the pitchforks. That was very authoritatively stated at Longford, and it was stated that it took place in the neighbourhood of Boyle, and this Committee visited Boyle also, and we heard there from most reputable witnesses that that was a rumour that got circulated far and wide, and that it had little or no foundation in fact; and the persons who told us this were very much interested in the fishing at Boyle, and said that they took care that such should not take place?—I am very glad to hear that.

12491. It was in the locality of Boyle or close to Boyle that it was authoritatively asserted at Longford to have taken place?—The locality that I have heard spoken of was within twenty-five miles of the city of Limerick on rivers running into some of the large tributaries of the Shannon.

Dr. Mahaffy.

12492. You attributed it to pure vice?—I would not go so far as to call it vice. I would rather call it youthful indiscretion.

Chairman.

12493. Have you anything to say with regard to licences?—As I stated, I am only concerned for the poorer men, and I think the drift net license is a £3 license, and that covers the season, and those men have to get perhaps two salmon nets in the season, and perhaps two pearl nets, because before the salmon season is finished the action of the sea-water on the twine nets the twine quickly, and I have seen the fish go through the nets very often before the season was more than half spent.

Dr. Mahaffy.

12494. I would be very glad to see it?—Well, I would be very sorry if I were a fisherman to see it. Doctor, I must say, and I think it would be a very heavy tax on these poor men to be called on to pay any more for their licence than they are paying already. I agree in every particular with what Mr. Blood-Smith said on that question, and why? Simple fishermen have to pay 50s. for a license, but there are four men, and the net is only twenty-one feet in length. This great engine of destruction that I have heard so much about, is only an Irish purse in length, and 50s. to my mind is quite sufficient to put

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ALDERMAN MICHAEL JOYCE, M.P.—continued.

[LONDON.]

Dr. Makaffy—continued.

on them. A man that would be able to pay £1 for a rod for his pleasure, for salmon fishing, would be better able to pay £2 than the poor fishermen would be able to pay 30s.; and I think that the fisheries of Ireland should be administered to give the greatest benefit possible to the poor man making a living out of them, and anything that could be done in that direction would have my hearty support. Now, with regard to the weir, I don't know much about them, but personally I don't like them because they are the rich man's engine of destruction for fish, but I don't want to touch the thing at all. And then with regard to the farmer becoming a riparian owner, well, the allegation is that the farmer has as much right, when he purchases, to those rights as the landowner from whom he bought had, but at the same time I would be no party to allowing the farmers to use those powers for the indiscriminate slaughter of fish and the ultimate destruction of what ought to be a great national asset; and I am sure that the farmers who will purchase their lands adjoining or abutting on those rivers which are fishing rivers will find it will be to their interest to help the State and assist in every way they can to make those rivers what we all wish they should be.

Chairman.

12495. Then would you propose to alter the attitude of the State to those fisheries and to this national asset?—Well, I think the State ought to be a great controlling power in these things, because if the State were a great controlling power it could use State funds for the propagation of the fish, which is mainly left now, I believe, to private enterprise. I am aware that Lord Dunsany and Mr. Balfour have done a great deal in that direction, and that other fishermen have done it in the upper portions of the Shannon. I think that the State should see that proper hatcheries are erected in the different parts of Ireland and that the fish are propagated and renewed whenever renewal is required.

12496. Of course that would impose a great additional responsibility upon the State and its officers?—Quite so, Sir.

12497. And to that extent it would limit the feeling of responsibility in the local administration?—In a way, yes.

12498. It is your opinion that that is desirable?—I think so, if the local authorities, the Boards of Conservators, were vitalised as they ought to be, I think, and for their own benefit, because I don't want the Boards of Conservators to be such as, in my mind, would drive men to think that they were only there to tyrannise over them. My opinion is that they ought to be there to further the interests of the fisheries with which they are concerned, and with the State controlling them, and they being able to administer State funds, I think there would be a great future before our Irish fisheries, both inland and sea fisheries.

12499. Anything else, Mr. Joyce?—There is only one other question I should like to touch on. I heard one gentleman say that night fishing should be put an end to altogether. He may be well give notice to quit to the men who fish in the waters above the tidal water, those poor men who have for so many years been fishing there, because their fishing is done by night. On one portion they fish only from sunset in the evening till sunrise in the morning.

12500. That is not done generally on the river?—I am dealing now with one portion of the river above the tidal water, which is fished by the body of men known as the Abbey fishermen, and those fishermen and their forebears before them have done that for more than a century and a half.

12501. The body you speak of now is within a certain limited area, that is, between the mill dam and the foot of the fall of Dooness?—Yes.

Dr. Makaffy.

12502. You say rightly, that it is an asset for the whole people, the poor as well as the rich?—Yes.

12503. Of course we cannot separate the interests of the poor from those of the rich in this matter, because a rich man coming to fish will spend his money there?—I agree with you.

Dr. Makaffy—continued.

12504. The man who went to net a river would damage the people above and below without thinking of them. Those people, by the exercise of their rights, might damage the rights of others and ultimately damage their own rights?—Well, I don't know that the thing has advanced so far that I could give an opinion on that. I don't know that this thing has gone on very much in Ireland yet. I think I remember a case occurred here some months ago in which riparian owners made a claim for fishing on the small river that was mentioned by Mr. Blood Smyth, and I think they won their case.

12505. Mr. Blood Smyth.—The inquiry I spoke about was on the Mulcaire. Witness.—I have yet to learn that any of those men, whom I know very well, use that right to destroy the fish going up the Mulcaire, and I don't think that on those small rivers nothing could go on very much except you do illegal acts.

Chairman.

12506. You could have nets manufactured that would be illegal?—On net, as I know it, the snap net or drift net, requires a certain amount of water before you can fish at all, and this small river is very shallow, and it would be dangerous, I believe. I think this kind of net in those places would be illegal according to law.

12507. I am dealing with the general view, that the man who holds a small bit of the river should open his mind to the fact that he could exercise his legal rights so much there, as not only to damage the rights of his neighbour, but ultimately to damage his own?—I agree with you that he would be doing a very reprehensible thing.

12508. And that he ought to be taught?—And that he ought to be taught, and if he would not be taught that he should be forced if necessary.

Mr. Gwynn.

12509. Would you agree that in any case where tenant purchases holding riparian rights in a river did nothing with them but allowed the fish to be poached indiscriminately, the State should have power to resume those rights to itself, take over the rights and take up the protection?—I would, giving those tenants some compensation for taking the rights from them.

12510. Giving them a share in the profits?—Giving them some compensation for it, for certainly in such a case as that I think it would become necessary for somebody to step in.

12511. Well, then you would give compensation for what would be of no value at all?—Well, you see if it hadn't a value it wouldn't be poached.

12512. Oh, yes, but it would have no value for them?—Certainly, in cases of that kind, I would agree that something should be done to put a stop to that condition of affairs. I am neither an indiscriminate poacher myself, nor am I in sympathy with indiscriminate poachers. I look upon it as a very serious question, but we don't approach those points with funeral faces, or even a smile upon the cheek, but at the same time I feel that it is a very serious matter, and I think seriously of it.

Chairman.

Thank you, Alderman, we are very much obliged to you. I think you have given us a great deal of valuable information.

Mr. Blood Smyth.—Under the Local Government Act of 1898 every District Council in Ireland has power to levy a rate for fishery purposes, and to appoint a representative on the Board.

Chairman.

Oh, yes, we had that here to-day, but we were pointing out at the same time that such representation would be rather overwhelming in the case of the Shannon, as there would be from 180 to 200 representatives.

Mr. Blood Smyth.—At present the representation is nil, because not one of them has levied a rate.

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THE SHANNON OR CLAY, examined.

[Continued.]

Chairman.

12513. Now, would you give us your suggestions and any information that you think would be useful to us?—I thoroughly agree with every word that Mr. Gleeson and Mr. Flood-Bryth said, and I also agree with what Alderman Joyce said about the moorland setting at the mouth of the Shannon. As regards the improvement on the falling back of the fishing, to my mind there is not the slightest doubt that for the last three or four years the spring fish have improved, but there has been a tremendous deterioration in the pool or gulis. Mr. Fegura, who will be examined later on, will be able to give you the numbers.

Dr. Makgoff.

12514. All over Ireland?—Yes. I know nothing more than has been stated by those other gentlemen about riparian owners, etc., but I think that money could be got by taxing the shoppes. The shoppes on Lough Beg are each many acres hundreds of them come over every year, and I am quite sure that not one of them would shy at paying a shilling for his rod. It might be measured by a time limit, say from the middle of May to the middle of June, and then it would not be touching the poor man. And I also agree with what has been said about a licence for trout, that there ought to be some licence put on trout fishing.

Chairman.

12515. Half a crown is suggested?—Yes, half a crown.

12516. Now, as to that poaching at the mouth of the Shannon, could you give us any particulars?—Well, I have never seen it, but what happens is that these big French boats come in, and right inside the head, with their mackerel trawls. They carry boats of three miles of nets, Manx men, French, some English boats and some Irish boats, and they ought to be kept three clear miles off the mouth of this river, and that is supposed to be done. There is one wretched gun-boat to look after them, and they evidently must do a frightful lot of damage, between Loop Head and Kerry Head. The river is over ten miles wide there. It is very wide. I know the mouth very well, and they ought to be a clear three miles out.

12517. That is that they ought to be three miles outside the line from Loop Head to Kerry Head?—Yes, a clear three miles out, and I believe they are supposed to be. And I also think that great quantities of fish that are caught up in Donegal are ours.

12518. Along North Mayo and Donegal?—Yes, and I think undoubtedly that those are our fish.

12519. Did you ever hear that the Mayo people say that they are their fish?—Well, of course it is hard to say, it is impossible to say, but they are caught in huge numbers, and there is practically no supervision over the fishing.

12520. Have you ever thought about the drift nets, that any limitation should be put to the number of drift net licences?—Witness.—In the Shannon?

COLONEL ARTHUR BUTLERIDGE, examined.

Chairman.

12521. Will you kindly give us any information on the subject of our inquiry that you think might be useful to us?—I started in association, after leaving the Service, on the Little Deesee and Carnoon rivers, tributaries of the Shannon, where there was great destruction of spawning fish. The fish that are being killed are given to the pigs or salted and eaten, but it is certain that there are no fish that go up, unless the water is preserved, that ever come back again.

12520. You think they are killed and salted?—The fish are destroyed in every way, and if they have nothing else they use very nothing and catch them with that. They kill them in every way. And another point that I have to mention is this. Take from Portlanna up to Shannon Bridge. The fishing there, when I lived there fourteen or fifteen years ago, was pretty good, that is, the salmon fishing.

Chairman—continued.

12521. Yes, or anywhere else?—I think the mouth of the river is very hard to watch.

12522. The Shannon?—Yes, the Shannon. In the lower Shannon there are salmon drift nets 200 yards long. The sea drift nets are three miles long.

Mr. Green.

12523. We had some correspondence before about the mackerel fishing in the mouth of the Shannon. We had some correspondence with the Conservator, and Mr. Hosford might be able to state what occurred actually about this drift net fishing.

Mr. Hosford.—Some of the members of the Board suggested that I should send up a note about it, and the Board passed a resolution calling upon the Inspector to come down and hold an inquiry. I sent up the application, and I had a letter back from the Inspector to say that they were quite prepared to hold an inquiry if we had evidence to lay before them. I got instructions to seek for the evidence, and I wrote to three police officers, and I think two or three coast-guard officers, and I think to every Conservator on the lower Shannon to know had they any evidence to produce. And then I went down to Kesh to see them, and the result was nil. I could not get one to give evidence. They said there was no such thing, and of course I reported that to the Board to say that we had no evidence to support it.

Mr. Green.

The evidence that we got was that practically there was a certain number of white trout taken by mackerel nets. The people were not fishing for white trout but for mackerel, and it was a rather negligible quantity altogether that they did take.

Chairman.

12524. And that was the result of your inquiries, Mr. Hosford?—Mr. Hosford.—That was the result. I could not get anyone to give evidence.

12525. Do you think the people you inquired from were competent to form an accurate opinion at all?—Mr. Hosford.—I should say so, particularly the police officers and other people.

12526. And if this fishing had been going on they would have seen it?—Mr. Hosford.—But they didn't. Witness.—It would be nearly impossible to give evidence about it, unless people shipped as some of the men in these trawlers and drifters, and that is how I know it. They are all men who have been on the boats. The quantity of "sea trout" that they catch is the gulis.

Mr. Green.

12527. Would they not be seen when they were landed?—Witness.—No. They won't keep. The mackerel and hurrings are all packed, and the gulis, the sea trout, are given away to neighbours.

12528. Why are they given away?—Witness.—They are thrown overboard or given away, so they tell me, because they won't keep.

Chairman—continued.

Now where they used to fish in those days you can't fish at all on the shallows.

12529. Why can't you fish?—Because they are covered with weeds, and the result is that now after a bit there will be nothing left in the Shannon in that place for the salmon to stop in, except where the boats and steamers and barges go. Owing to the weeds and gulis and locks, which have altered the current of the river, these weeds have increased, and this year nothing has been caught there.

12530. What do you say about interference of gulis and locks and weirs?—They have altered the current of the river, and there is no place for the fish to be in, and the result is that in order to look for spawning beds the fish have to go up the tributaries. The lower parts of the tributaries are full of weeds, and so they go up further and further to where it is the simplest

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COLONEL ALFRED RUTLEDGE—continued.

[LIMBROCK.

Chairman—continued.

thing in the world for anybody to take them out. These poachers work on, and everybody sees them. They kill the fish with pitchforks or spears or wire rope netting.

18543. And you think one important thing would be to clear the river?—Yes, to clear the river and the spawning beds. We get a subscription up to do it, and we were disgusted by the fishermen wanting to know how much we were going to give them for doing it, although it was their own interest, and the result is that every year it is getting worse and worse and driving all the salmon up the rivers where there is no safety. They were safe as long as they were in the Shannon. And these baillifs on the Shannon in the top waters are utterly useless in the spawning season when the fish are coming up to spawn. They should be taken off the Shannon except in certain places and sent up these tributaries, and if they would not go let them be stuck off, you could get baillifs up those small rivers at less wages. I have had a good deal of experience of baillifs these myself after running an association in some years at Burt. I have left that and have come down to Castletown, and as far as I see in Castletown the spawning beds are spoiled with weeds, too, within a few miles of Limerick, and it would be a great thing if the rivers were kept clear of weeds. The fish could then spawn in the Shannon, where there are spawning beds, as great destruction

Chairman—continued.

of fish is caused by their not being able to spawn in the main river. I agree with Mr. Wood-Smith in all he said about trout fisheries, too. I should like to say one word about that. I heard one gentleman ask what was the little boys to do. Well, how are they to learn to fish if they don't learn when they are youngsters? The boys must learn when they are young, and I suggest that instead of changing the boys half a crown you should charge them a small sum. Do not charge them so much as others, so that the youngsters might learn to fish. I know that some fathers and mothers won't give their boys half a crown to pay for a license, and the result will be that in that case there will be poaching, and I think the youngsters ought to have licenses.

18544. At a reduced rate?—At a reduced rate, and the funds of the Conservators would be increased then, because there would be more people taking out licenses. I think the farmers ought to be induced to protect the fish when they are going up to spawn. At present a great deal of poaching is going on; they take them with the spewen in them and put them in barrels and they salt them down, and if they are unable to use them themselves they give them to the pigs. But it is wonderful since I preserved the Lotic Bessie and Cusheen the number of fish that are up there now, and they are increasing every year. I attribute the increase to preservation. I wish to emphasize the removing of the weeds in the Shannon.

MR. PATRICK McINERNEY, examined.

Chairman.

18545. You are an ex-officio member of the Board of Conservators, and interested in the Eel Weir Fishery also?—Yes.

18546. We don't want you to go into subjects which have been pretty well discussed here to-day, but to give us something from your point of view as to how the question affects you?—Very well. No. 1, as to what effects the transfer of riparian lands to tenant purchasers has had on the fisheries. I think the transfer of riparian lands to tenant purchasers must have a good effect on the fisheries. The farmers now having a direct interest in the fisheries will surely for their own sakes materially assist in the preservation of the rivers. Once having them on the side of preservation the Boards of Conservators, now so severely harassed, would, as well as having their troubles considerably lessened, at the same time have the most effective means of protection it would be possible to have. Personally, I don't know many tenant purchasers who have acquired fishing rights, but the few I do know are, as far as I can learn, subletting the fishing as did the landlords before them, and I think that it is entirely right to do it, and I think that would be no harm. One point I wish to refer to is as regards valuation. I think the valuation at present is as fair as we could have, and I object to any change in the valuation.

18547. Do you object to property not being valued which is worth something?—It ought to be valued according to what it is worth. Then my suggestion would be that the inland fisheries ought to be separated from the sea fisheries, so that when a grant is made, instead of allocating to the fisheries in general it will be given to the inland fisheries or the sea fisheries as the case may be, whichever has applied for it or needs it most at the time. I think as far as developing is concerned, we on the Shannon little need anything in the way of artificial hatcheries, being blessed with as good natural spawning grounds as it is possible to get. Our need is the funds to protect the fish on these spawning grounds. Protection in this instance will be followed by immediate development. Now, sir, the best way to give the tenant purchasers an interest in preserving and developing the fisheries (this is in reference to No. 2) is in the way that appeals to most people. Show them that the fisheries mean a great personal profit to them, and then what a great national asset they are. This can very readily be done through the County Councils. The Fisheries' Department could, by frequent communications, let the County Councils know whether

Chairman—continued.

the fisheries in their counties are going backward or forward, and how other counties are doing. Then, again, an occasional lecture, by a fishery expert, before these Councils, would impress on them the great value of the fisheries to themselves, their district and county. In fact, what I mean is, agitate to make them alive to their own interests. The resources of the Boards of Conservators are altogether inadequate for the purpose of preservation or developing the fisheries under their control. If the tenant purchasers are going to be specially treated, the Board of Conservators can do as much by way of preservation as now. But if the Board of Conservators got sufficient funds, they can do all that is necessary. Now, with regard to No. 3, if what I have already said be carried out, poaching will certainly be lessened. But, to still more effectively prevent it, poaching should be made a criminal offence, and the offenders made liable to gaol, without the option of a fine. Then, again, more use should be made of the police in this matter. They have been doing good work for a considerable time past, but couldn't poaching be made as rare as most of the other crimes are now? Up to this I have dealt altogether with preservation, inland. But there is another phase of the question to be looked at. Everyone knows that the salmon fry leave the rivers for the sea, where they remain before returning as grilse or salmon. Why should spawning fish be preserved in the rivers if the preserve will not gain an adequate benefit for their preservation? Why should spawning fish and fry be protected if, on their return journey to the rivers from the sea, they are to be caught by the sea drifters, with their nets of nets set for the purpose, off our coasts? This is a most important matter, and one that requires immediate consideration. For some few years back our salmon fishing in the spring has been improving, whilst our grilse fishing in the summer has been going the other way. I attribute the decline in the grilse fishing mainly to the great increase in the number of those sea drifters. It might be asked why, if this be so, the salmon fishing in the spring is showing improvement. To this my reply is, that owing to the different weather conditions the catch and gear at present in use would not suit for spring fishing. Historically, most, if not all, this drifting for salmon at sea was carried on by the fishermen themselves, who could not afford an equipment equally suitable for spring and summer fishing. But now we hear of companies taking up the work. I am told of one particular company about to stock a fleet of steam

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MR. PATRICK McDERMOTT—continued.

[LIMERICK.]

Chairman—continued.

drifters which will be provided with salmon, herring, and mackerel nets, and they will, of course, be able to fish all the year round, so what was impossible in the case of the poor fishermen, is quite easy for the rich company; and then, when all this comes to pass, where do we in the rivers stand? What with the spring fishing and summer fishing at sea, both salmon and gulse in the rivers must undoubtedly decline. We already see the decline of the summer fishing in the rivers, brought about by the summer fishing in the sea. Something must be done to stop this. I don't want to have salmon or gulse fishing at sea stopped altogether. That would be rather selfish. But what I do want is to see some effective restrictions put on the sea fishing, which, while preventing the sea drifters from taking more than their fair share, will, at the same time, compel them to pay a fair share towards the preservation of the fisheries inland. One way I would suggest, namely, shorter nets and bigger house driftnets.

12538. You are contemplating steam drifters that could fish within the three miles' limit?—The steam drifters have at present a fleet off Donegal, and they are going to equip five or six drifters more with apparatus for mackerel, herring and salmon nets, perhaps a couple of miles long. Heretofore the fishermen could not go out with their small boats beyond a few miles off the headland, but now when these drifters get started they can fish all the year round, just as they like, and my contention is that the fish are diverted on these ways, and the result will be that they will be put off their natural sea and inland, and we will lose our share. As Conservators we have

Chairman—continued.

not sufficient funds to go on, we are doing our best with the funds we have, and we are making them go as far as we can, and the Department have acted very fairly towards us. Well, I think it would be a good thing if they could see their way to giving us a grant in two ways, that would be a free grant and a grant of four to one, the same as the grant that is given, and the reason I ask that is this, that a certain number of us are constantly subscribing this one pound towards four pounds, whereas some people give us a subscription and stop there, and therefore I think it would be well if we had some given to us free, and then we might be able to go both ways. I think there is another body that might subscribe, and that I don't think it would be too hard to ask to subscribe, and that is the Board of Works; they only give us £25, and they are getting a large annual rental out of the fisheries, and certainly it would not be too much to expect an annual subscription of something substantial, say £500, from that Board. They have a very large revenue from the Slannon fishery.

Mr. GRAY.

12539. Does not that go in the maintenance of the navigation?—I don't know where it goes; it does not go to the fishery.

Chairman.

12540. They say it goes to the management of the works which keep up the navigation of the Slannon?—Well, don't you think they ought to be more generous out of the big sum that they get.

12541. At any rate, you might try them?—We have tried them very often.

MR. ANTHONY MURPHY, examined.

Chairman.

12542. You are an *ex-officio* member of the Board of Conservators, and you are also the lessee of the Eel Fishery at Cuckermill?—Yes.

12543. You have heard the evidence here to-day?—Yes, and in fact you have heard so much that there is very little more to be said.

12544. We have heard a grant deal?—When Mr. Lee was good enough to give me the Committee's requirements, I wrote back to know would there be any finality at this inquiry, and that I had attended every previous inquiry during any time and given all the evidence I could, but that there had been no result. Now I only say I hope there will be a result from this inquiry.

12545. This is the first inquiry that I have had anything to do with, so that I am not responsible for the failure of the other ones?—The first thing that I wish to say is that I agree with the evidence as to the limitation of netting on the upper waters, that is, that if there is to be a new fishery it ought to have a certificate. I think that is important. If that is not done any man would have a right to fish in the small rivers as in the large ones, and I think that would not be proper. I would not be for taking away the rights of netting if those rights are already established. There is plenty of room for all that is there, perhaps for more, but the question for you, gentlemen, is a question that has been troubling us, how to conduct our business in connection with this district, for undoubtedly we have the largest district in Ireland, far and away the largest, and I think I am safe in saying that there is no business in Ireland that deserves better the condemnation of Judge Ross, that it might be done better by a pack of lunatics. Certainly our work has been badly done, from the Board's point of view, and I am a member of the Board. With respect to many of the causes which men put forward for the lessening of the fish, such as the killing of the fish by trap net men and drift net men, and by other men, it is unquestionably the fact that the lessening of the fish has not come from those sources, but that it has come from the destruction of the fish in upper waters, in the small rivers, not in the Shannon. I believe I would be safe in stating that nine out of every ten fish that

Chairman—continued.

pass the tidal waters up to the mouth of May all go north. Now, what is the state of affairs with regard to our duty in that direction? It is that we have no control by the Board north of Skibbole, yet three-fourths of all the salmon that escape (and I venture to say that there are five salmon at least that escape to one that is caught), go to the upper water north of Skibbole, and we exercise no control whatever. Killalee ends, so to speak, our jurisdiction. It is the Nenagh Board, which Mr. Gleeson describes as the Local Board, on these waters beyond Killalee, that has the entire of Lough Derg and of the tributaries that flow into Lough Derg also; then the Conservators have a gentleman at Adilone, Mr. Gilmore, who is termed an Assistant Inspector, who controls something like 2,600 miles of water, all fishable rivers, in addition to the main river, and he is uncontrolled. There is no Board there, and there has not been for a very long time.

12546. You give him the money?—We give him money as wages.

12547. You send him money to spend?—Well, there was a little Board of three men, Colonel Charlton and two others, and they gave them a small sum of money, £40 or £50, or so, yearly, but that little Board that did exist, whatever its use was (and its use was very little) has ceased to exist, and the result now is that three-fourths of our salmon are left at the mercy of any man who thinks he has a right to kill them, and the man that we pay is not supervised either; and more than that, people say that in addition to being Assistant Inspector of our Board, he is carrying on two or three other businesses of his own. Now, I am only giving you that enlightenment in order to show you that instead of people trying to find fault with or to put before you the destructive qualities of certain nets, that the destruction of fish in the upper waters is the true cause of our incompetency. Whether that incompetency arises from the fact that we haven't funds, or from any other cause, the whole thing is absolutely incredible. My duties call me along the upper waters, and I have an opportunity that a witness must have, and very few Conservators have, of knowing these things, and con-

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MR. ANTHONY MACKEN—continued.

[LIMERICK.]

Chairman—continued.

sequently I thought it my duty to come here and tell you exactly the state of affairs, and then, if you will allow me, to suggest a remedy.

12568. What remedy do you suggest?—I would alter the constitution of our local Board. I would make it more healthy. I am not doing away with local boards, but encouraging local boards. I would nationalise our Board, and our Board at the present time (I say it without fear or favour), is a stunted up Board. I say that there is no health in it, that no man can get into it as an elected member without permission. That is so, because the elections are done altogether by people who have become, and by proxy vote.

Mr. Gwynn.

12569. In whose favour are the proxies?—In favour of the man who can collect them, and that collection of proxies is done well, so that the Limerick Fishery Board is naturally a close borough. I am not saying that against the Board that I belong to, but I think it is my duty as an Irishman, who wishes to see our country progress, and to participate in its progress, which I do; I think it is a duty on all of us to see that one of the principal resources of our country, which the fisheries are, should be so administered as to benefit the country, and that that condition of things cannot, and must not prevail, and that the sooner it is stopped the better, and our Board made a healthy one, and then, and not till then, it will have a healthy working.

12570. I think you endorse the views of Alderman Joyce?—I do.

12581. You say that there should be a reform of local administration with a very considerable amount of executive control?—Yes, certainly, in order that our fisheries—as we are dealing with the question of fisheries at present—may assume the appearance of a national concern as much as possible. I undoubtedly do. And there is another thing that I would suggest, too. I think the Chairman of every District Council within the fishery district where it is situated ought to be an ex-officio member of the Fishery Board. I also think that the Chairman of every County Council in the river area ought to be a member. I think both the County and the District Councils are bodies which could contribute, but they will not, because they are taking no interest in the fisheries. I think if an Act was passed and authority given to them to come and take part in our Boards, then they would assume some form of nationalism. I also think the Mayor of this city, who holds an important office as Mayor of a city in which there are a large number of fishermen, and through which this river passes, should also be a member of our Board, and I think in that case we would have more sympathy from the men of the mountain side through whose land there run streams that you better could constitute a fishery. What interest can you give that man? He has a river in which there are neither fish nor water for nine months of the year, and he only gets the fish there when it is the close season, and they are salmon to him and he will kill them. You want to get that man to learn the value of the fish as a national asset, or else you must compel him by law to respect the fish and to leave it for the country; and I would just go far enough to get that man's sympathy by making the Chairman of his district a part of the Board, because if you make the Chairman of the Council of the district a member of the Board (the Chairman of the District Council as well as of the County Council), then you will give him an opportunity, at all events, of hearing from the lips of his own representative all about the fishing, the salmon especially.

12582a. Have you considered if you had the Chairman of every District Council on the Shannon on your Board how big your Board would be?—It would not be so big at all, because they would not always attend, and I think our Board ought to be movable, and I think we ought not to be always in the Courthouse, for you could not expect men to come down here from Roscommon and these far counties. I think our Board ought to be handsome now and again, and that we ought to go up there with

Mr. Gwynn—continued.

our steamer and our Inspector, and I would go the length of saying to you now boldly, and in the presence of our Clerk here, whom I have the greatest respect for, that every officer of the Board should be bound absolutely to the work of that Board, and that Board alone, in order to make it effective.

12582. Would you contemplate the possibility of having sub-committees of the Board in different sections?—I would, sir, but if you leave them to work continually by themselves without meeting the parent Board you will have a conflict or you will have the regard of the business.

12583. Don't you agree that a meeting of the Board as you propose to constitute it, if all its members met, would consist of as many men as there are County and District Councils on the river, and that that would make up nearly 500 men?—As Magistrates, not as Chairman.

12584. No, but as Chairman. I think that is right. There are 450 District Councils?—But that shows you, at any rate, the great area of our district and the importance of it.

12585. I think that you would secure your principle, and I should be quite prepared to go as far as to say that I think the Chairman of every County Council of a county abutting on the Shannon ought to be a member of the Board, and there I agree with you; but I think you will agree with me that it is an essential thing that the Board should be a workable engine?—Quite so, sir; but the more that is known about our fish and our fisheries through the County Councils and District Councils in this immensely large area the better.

12586. Your difficulty on the Shannon is a peculiar one, because it has an enormous area?—Quite so.

12587. Do you think it would meet the case if you adopted the principle of having a Committee of the Board, such as you have now at Liscaw, and if you made the Chairman of the District Council a member of that District Committee?—Yes.

12588. And the Chairman of the County Council a member of the Central Board?—That is an improvement. I am perfectly satisfied so long as you bring the general public into the business of the country. But I want to tell you about the Committee in Athlone, that that Committee did not attend the meetings of the parent Board, though we are supposed to know more of the business here than an outside Committee would know, and there must be an occasional meeting between the Committee and the parent Board if the work is to be done properly. Well, that Committee fell to pieces.

Chairman.

12589. It was too far away?—It was too far, and they never came here to the meetings, and where we have a Committee entrusted with the protection and administration of these fisheries they ought to find out the duty that we have to carry out, and what they do would want to be done with our good will. I think then there ought to be one member from the Committee, or two from the Committee, that would be deputed to come to our meetings and see whether we are doing our duty or not. And we are not doing our duty, and men will never do it that are not compelled to do it when it is only a question of serving the public interest. Now, I want to come to the long but fishing that concerns myself.

12590. That is the old fishing?—Yes. Now, I am an eel fishery proprietor under the Board of Works, and I think it is a great hardship on me, and I think it is a great hardship on the country, that there should be such a state of affairs as I have to mention, for I employ a number of men everywhere I fish. I pay an enormous rent, and I am the highest rated of any man in Ireland from a fishery point of view. My expenditure in sixteen years for men alone was £35,000, and, in addition to that £35,000, I spent £31,000 more in rent, that is £70,000 in sixteen years, and it is very hard lines on me that men who pay neither license nor wages, and who do not even live by the business, go out and fish indiscriminately from one end of the year to the other without any responsibility.

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MR. ANTHONY MACKAY—continued.

[Continued.]

Mr. Guyan—continued.

Mr. Green—continued.

12561. What remedy do you propose?—I propose that that should be limited, not only as regards the season, but I want to put to you the necessity of restriction of that indiscriminate fishing, because if they put down 2,000 hooks or 1,000 hooks, three-fourths of the fish will be immature. I saw their immature eels taking in Athlone for 2d. a lb., and I propose to limit that, and that if they continue to fish they must bear the responsibility.

12562. You suggest that the length of the lines should be limited and the number of hooks?—Yes, and they pay a licence, if they are to be that. The hooks now used are so small that the eels swallow them with the baits, and horrible cruelty is exercised in tearing these small hooks from the intestines of the live eels. Immature eels are caught thus, and the eel-fishing is being ruined. In my opinion, all this calls for immediate remedy.

Mr. Green.

12563. Do these men live in the place where they fish?—No. There are three or four that fished Lough Ree and ruined the eel fishery of Athlone. In addition to destroying Lough Ree, they actually fished this year down at Castleconnell with their long lines. They were allowed at a place called World's End. And they kill trout, because now they have learned not merely to put the long lines at the bottom,

but they soak their lines by means of eels. It is hardly fair to us that these men should be free, so to speak, to destroy and kill everything that they can. Now, etc., with regard to the question of the resource of our Boards, that is a matter that is worthy of your attention. Our Boards want to get help. Some of them are doing their best, but we want more money, and I think the State has a right to take a share of the responsibility. As our district is so enormously large it would be impossible to expect that the funds we obtain here would be sufficient to give them enough of help. The income is not sufficient, and we will never have enough of money till the State comes in, and the State would make no contribution by the value of work to the general welfare of any country. You referred to the tax per cent. into to-day, and it was said there ought to be no relief; but I would be put to the expense of £200 a year if that took place, and no percent we contribute £100 a year to the funds of the Board, so that it should not be done in a hurry. I had one suggestion to make which I find I overlooked, that is the advisability of a hatchery in our Limerick district, one or more. The State ought to give us a hatchery expressly here, to see whether it would improve the fish or not. In some of the small rivers hutcheries have increased the amount of fish, and I think a hatchery here, with over more central position, would be a great advantage to us.

MR. ANTHONY J. PARKER, EXAMINED.

Chairman.

Mr. Green—continued.

12564. You are an elected member of the Board of Conservators?—Yes, and a member of the Lough Derg Fishery Preservation Society, and their committee is in charge of a big district, seven miles of shore on both sides.

12565. You need not go over what we have heard already, but we should be glad to have any additional information from you?—I have nothing to say about the first of those subjects, as the rivers in our district are too small, and are not worth minding. About poaching, I think something could be done if we had a few more beiliffs employed. I should like to give you some illustration as to what happened at Killaloe this year, and what poaching we got there. We have one head beiliff there all the year round, and we have a few estate men employed in winter. This beiliff was taken off on the 26th of February and sent to another place, and he was supposed to be left there till July, and at Killaloe we were left without a beiliff all that time. Now English gentlemen come over to fish in Lough Derg, and, of course, they won't subscribe when they see there is no beiliff, and that makes a difference. People say that the salmon fly are killed at Killaloe, and there are a lot of boats fishing, and I am sure they do kill them. I brought the matter before the Limerick Board, and they refused to give us a beiliff; then I wrote to the Department, and they sent down a beiliff who remained till the other man came back.

Mr. Green.

12566. Do you think that they are not doing the right thing with their money?—Certainly I am a member of the Board for some time, I am sorry to say. Now, I am going into the trout question, although I am very keen on the salmon, too, but you have heard enough about the salmon, perhaps. There used to be nine extra men employed in Killaloe in the clean season in years gone by. The Inspector, Captain Hall, said he didn't think the rivers required minding, so there were no salmon, and he did not think they required minding. The trout go near the top to spawn, and they have no protection up there. It is very difficult to get reliable beiliffs, and to get men to know a salmon fly from a trout, and the beiliffs should be more under the supervision of the Conservators.

12567. If you ask Mr. Hosted he will show the reports to you?—I must say that the Board of Conservators don't care about trout. They preserve salmon and other things, but they don't care about trout. The trout there is very important at Killaloe, because we can fish there up to September, and I think there should be a 5s. license. Most visitors coming over do subscribe. We collect about £180 a year, I think, from them, that is, the Fishery Association collect it. And I think it would be well if this money were spent in the locality in which it is collected. I also think it would be well if a few of the small rivers about Killaloe were minded during the summer months as well as in the winter, because there are places where people drive them back and take them out, though I think any salmon in those small rivers, especially the ones that run into the River Shannon, are fairly safe. But on those rivers that run into the lake there are too many poachers ready to catch those little trout. Well, now, something about the birds. I made a great study of birds, and I am sorry to say that the hares should be destroyed, and something should be given for their heads. Then, as to cormorants, I don't think the conservators are so destructive. And then, there is another bird, the black back gull. He should be destroyed.

12568. They cannot be destroyed in the clean season?—I think that could be got over. As regards the weeds, in my fishing at Killaloe, just about the bridge of Killaloe, it was full of weeds. In the last few years I had all these weeds taken out for the benefit of my own trout fishing, and it was surprising the amount of salmon spawning on that water. Last year I saw ten or twelve of those big salmon at the first day. The salmon often come there because the bottom is scraped clean, and they won't spawn in areas that are not kept clean.

Mr. Guyan.

12569. How many do you say you saw on the first day?—Ten or twelve at Killaloe. A man weighed them, and some of them were up to 30 lbs.

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MR. HENRY BOSTON, examined.

[LONDON.]

Chairman.

12570. You are a tenant purchaser, with the fishing rights, on the Mulcaire river?—Yes, sir.

12571. What have you to say to this?—I have heard so much said about snap netting, and the destruction of fish, and all that, that I don't know what to say. People seem to think the fish are destroyed in the way they are entirely by snap-netting. Well, I don't get one out of every thousand fish that go up.

12572. What sort do you fish?—A snap net.

12573. And what fish did you catch last season?—I got half-a-dozen pike. I caught a couple of salmon in the month of May.

12574. How long did you fish for that?—Our fishing season is down to the 1st of August, and it was after that that the great run of fish came on this year, and all the fish are ahead up the river; and it is in the upper reaches, as far as I am told, in the upper reaches, that they are all destroyed. They go into small streams there, and they are all poached and killed in the close season, and it is of no use to anybody.

12575. You think the mischief is not done by the fish being caught going up at the mouth of the river, but by the fish being destroyed in the spawning beds higher up?—I am perfectly sure of that, because I had a man working with me that was working with a farmer in the upper part of the Mulcaire, or a tributary of the Mulcaire, and he told me that the fish are destroyed there by wholesale in the spawning season, and what I would suggest is, that when they enter into the main river, there should be an iron grating put down at the mouth of these tributaries to prevent the fish going up the tributaries, and the baillifs would be able to mind them.

12576. To mind them on the main river?—When they go up, the streams get shallow and they are left there, and they are all destroyed.

12577. You have heard that the spawning beds in the lower reaches are covered with weeds, and that they can't spawn there. Are there weeds in the Mulcaire?—There were some weeds this year in the mouth of the Mulcaire where it goes into the Shannon. The weeds would prevent the fish from going into the Mulcaire, but I think Mr. Hall, or one of their baillifs, got these cleared away.

12578. This removal of weeds from the spawning beds is a very important matter?—They drive the fish into the small places where they are destroyed, and when they go into the small tributaries in the upper reaches of the Mulcaire, the fish are destroyed wholesale.

12579. What estate did you purchase on?—On the Brazier estate.

12580. How many other tenants have become riparian proprietors?—Only four or five, and myself, comprise the number of tenants that were on the Brazier estate there.

Chairman.

MR. THOMAS ECHINER, examined.

Chairman—continued.

12581. Had you the right before you purchased?—No, I had not the right before I purchased, but the right is on the property, and paid for.

12582. What are the other tenants doing?—There are only one or two more.

12583. What are they doing?—Well, the part of the river that they have isn't exactly suitable for netting fish. One man comes in near the mill dam, and they prohibited him fishing there.

12584. And you are the only one that they let do anything?—There are riparian owners further up the river that have purchased.

12585. Are they making any use of their property?—Well, it is not suited for net fishing.

12586. Is there any rod fishing?—Oh, there is rod fishing.

12587. And that is not let?—It is let, I understand, and some of them are, I think, using it for their own benefit.

12588. Now, since you became proprietors, are you all more particular in seeing that the river is not poached?—Well, as far as I am concerned myself, and everybody, I think, I am very much more particular now than before I became a proprietor on the river. There had been a lot more fish destroyed before I became a proprietor than there is since, because there was a great deal of poaching. I have seen them.

12589. You think that barriers ought to be put across the mouths of these Mulcaire tributaries to prevent the fish coming there?—Yes, and I think it would give an advantage and benefit to the fish.

12590. Is that done here, in any case?—Not that I know of. I am sure if it is not done you can't have the fish, and they are killed and destroyed without being of use to anybody. If they were protected in these small streams in the spawning season we would have plenty of fish. I have seen thousands of fish going up, and I have seen none coming back. These fish go up and never come back. That is where the difficulty arises.

12591. Are there baillifs up there at all?—I am sure there are, but I know that there are baillifs round my quarter. For the last twenty years I haven't known them to get a prosecution there, except one or two, whereas in these small streams they could make a hundred and two. It is there the fish are destroyed by wholesale in the close season, when they are of no use to anybody.

12592. Is this done by people up there generally, or is it done by an exceptional class of people?—I expect it is the young fellows. The young fellows walk out and they see the fish before them there in the water.

12593. And do you think that if a serious effort was made to put a stop to it the country generally would agree to that?—Certainly.

12594. Do you think that?—I do, and it is a pity that it is not put a stop to, because the fish are of no use to anybody at the time they are destroying them.

Chairman—continued.

is what I would like to make out. You can spend money on horse-racing if you like, but I would like to see it spent on protection, instead of spending it on driving on harvey cars and dinner parties. That is not the protection of fish.

12595. There will always be a difference of opinion, of course, as to the spending of money?—Oh, of course there will be, and it must be spent some place, and I want to know where it is. The rivers were protected when the Henne was only 10s. an every rod, and all the rivers in Ireland were well protected, and now there are none of them protected, and they are looking for more money.

12596. What sort of season had you last year for fishing?—Very good, no better. The fish are improved very much for the last four or five years back.

12597. What about the size of the fish?—Very large. 12598. There is no falling off in them?—No, there is not; they are very large; the salmon are very large in the Shannon.

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MR. THOMAS BURNETT—continued.

[LAWSON.]

Mr. Guyon.

12203. And the peal?—Well, we have not got a good peal season for a good many years.

Mr. Green.

12204. Do you remember a number of bad peal years coming in a spell and then good peal years?—Oh, yes, in the year of the Jubilee, in 1887; of course, the water was very low in that year on the Shannon, and all we got that year was four peal. They could not level up that year. The year 1885 was about the best peal season I ever saw in my lifetime.

Mr. Guyon.

12205. I understood you to say that in the former time the fishermen used to be employed in the winter as water bailiffs?—Yes, sir.

12206. Are they employed as water bailiffs now?—Not a single one.

12207. And is it your opinion that men like the Abbey fishermen would be better bailiffs than the class of men that are just living up on the mountain side?—Certainly. There is no man has a better interest to look after his business than the man that is earning a living by it, and why shouldn't he?

12208. Wouldn't they have a long way to go up?—That says nothing. Didn't they go up in those days? But there are none of them now, and there isn't a single fisherman now supporting the industry of the River Shannon in that way. There is not a single one of them employed.

12209. What money did the Conservators pay those men to get their services?—Their wages were £5 a week.

12210. I see that the Conservators cannot afford now to pay anything like that?—And where is it going

Mr. Guyon—continued.

to? There is an audit of every book in the world, and how is it that there is not an audit of these books here? That is the question I want to ask here. They can tell you what they like. It is a waste of public money. It is a great swindle I know, a common swindle, and, as I say, there is no one to look after it. They can tell you, what they like, that they owe £1,000 or that they don't owe a penny. The best thing to do for the protection of the Shannon is to let every gentleman in the Castleconnell district and in the Killoola district look after his own fishing. We are very well able to look after our fishing from the 1st of February to the 1st of November, and let every gentleman who has an interest in his own fishery on the Shannon pay his own men, and do away with the Conservators altogether. How well they are able to manage their own business up in Scotland, and to protect their own rivers where they have got no licence duty at all, and they protect their own fisheries and they get on well, and do a service to the country; but here they are able to swindle the public up to the ball of their eye, and who is able to contradict it? And that is what you will see in a very short time. I intend to smash them up. They should have been smashed up long ago. I heard some remarks passed a while ago about no net fishing being allowed in the fresh water. I think the Abbey fishermen are the oldest stock of fishermen on the Shannon, fishing there 400 or 500 years, and their ancestors before them, and haven't they as good a right to be there as the Lax Weir?

12211. These are poor men?—Yes, and they pay their money in support of the River Shannon, and none of them get employment now on the river.

MR. THOMAS BURNETT, examined.

Chairman.

12212. What have you got to tell me?—I am a fisherman on the Lower Shannon, a drift net fisherman. I come from a station where there are about thirty at present, and they fish from the preserved water here down to Poyres. They pay their licence duty and subscribe to enable the Fishery Board to get their grant of £4 to £1, and we say we have nothing for it. Certainly the Board are doing their very best. For years I had an opportunity of going through the small towns, and I know the poachers have the fish picked in stands, as they call them, and they see the fish go to the beds, and they picket them, and they close out the whole at night. Our Board are awfully hampered for money, a bankrupt Board as far as I can see. It is on the verge of bankruptcy; as for the money spent on the preservation of the upper waters, it would be just as well to give the money in charity. If the fish are not killed by day they are killed by night, and each bailiff has fifty miles of a river. It is all of no use without police protection, as Captain Hall stated. I was thinking of a way to work that, and I think it would be well if the police were got in the months of November and December, till the spawning season is over, and let the police be in touch with the bailiffs, so that

Chairman—continued.

when a bailiff went away in the night time, the poachers could come out and catch the poachers. They don't find it out till they have the barrels of fish picked down for the winner, and killed in hundreds at that time. Now, they are able to use better nets, and use the stroke hanks and every other sort of a device to kill fish. We require a grant solely for the protection of the mouth of our river, although as far as the fishermen are concerned there is not a better protected part of a river than where the fishermen are, for they are not inclined to poach, and they don't want to poach. We surely require a steam launch to go and examine the motorist boats. I don't say they are illegally fishing, but they might, and I might if I wasn't watched; and my advice to you is this, that you should get police protection in the small rivers and have the police in touch with the bailiffs, for a policeman sent on patrol duty cannot watch the poachers, for he is himself watched on patrol by the poachers; but if the police are sent on special duty they will take care to keep away from the small rivers. But there are other things that are doing mischief. I shot curlew myself and opened them, and got great quantities of trout and salmon fry in them.

MR. HUGH O'BRIEN MORAN, examined.

Chairman.

12213. What is your name?—Hugh O'Brien Moran. Of course my name is not on your list, but I came before you simply at the request of the Abbey fishermen.

12214. You are a solicitor?—Yes, sir.

12215. In Lomenack?—Yes, sir. Looking at the purpose for which you hold this inquiry, as it appears on this notice, I did not know, before coming here, that I would be called upon to give evidence, but, of course, anything may arise of special interest at an inquiry, and it is as the result of some questions that were asked here that I think I can be of some little assistance to you. Of course, every witness here spoke about the question of the want of funds, and one of the issues

Chairman—continued.

of that question was how the funds were to be obtained? A question was put as to whether the snap-net licence should be increased. Now, the Abbey fishermen have got altogether ten snap nets, and the licence they pay on each one of those, as you are aware, is 30s. These fishermen are a very large body, and there was also a question put as to how many were making their living out of these snap nets. I am dealing simply and solely with the Abbey net fishermen, and I may say that they are a body of about forty men, and the families which are depending upon them represent a total of about 300.

12216. Is there a limitation to the number of the nets?—Ten is the number of nets that they are, and 300 souls are depending on the fruits of these fishermen's labours for a living.

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MR. HUGH O'BRIEN MORAN—continued.

[Limerick.]

Chairman—continued.

12617. These men and their families?—Yes. And what I want to mention is this, that they have been fishing in the same locality almost from time immemorial, that is to say, they or their predecessors, and they are hardly able to make a living out of this fishing. If an extra licence were to be put on these snap nets it would be, perhaps, what I think I am justified in describing as too heavy a licence altogether. They could not afford it. They are living simply and solely by the fishing.

12618. They surely have some occupation at the other seasons of the year?—Well, they have, but they have no regular fixed employment, and their existence is very precarious.

12619. They live in the city of Limerick?—They live in the city or in the suburbs. Their case has been put before you very clearly by Alderman Joyce, and this is a question of the attitude of the Conservator towards the snap nets. It is one set of families that are known as the Abbey fishermen.

12620. The number of the nets is limited to ten?—Well, that is the number.

MR. THOMAS EDWARD PHOEN, examined.

Chairman.

12621. You wish to give us some evidence?—Yes. I am an elected member of the Board of Conservators. I am one of the representatives of the Lower Shannon.

12622. That is A?—Yes. I did not send up my name because I didn't think the scope of the inquiry would be so large, or would comprise so many different things, and of course I had no evidence to give as regards the change of ownership, and that sort of thing.

12623. We have heard so much that except there is something that affects yourself I don't think you need enlarge on other matters?—I don't intend. With regard to the meetings of the Board, they were all held here in Limerick, and I think that is unfair, because the result is that you generally have the same five or six men composing the meetings month after month, and we on the Lower Shannon are responsible for the principal part of the revenue that is derived from licence duties, and I think for that reason that the meetings should be spread over the district, and I would suggest having the meetings alternately here and at Kesh and Foyens and Glins.

Mr. Green.

12624. Why not Athlone?—Certainly. As regards the licence, unless there was a readjustment of the licence duties I could not agree to have the set-off abolished, because the licence on fixed engines is very large, and they are rated highly, and the reason of the rating of the Shannon generally being so small is that several of the fisheries in the upper waters are not rated at all.

Mr. Guyon.

12625. Are any of these rivers highly rated?—There is as much as £50 a year paid to the Poen Lee in connection with the rates and the valuation, and then again that £50 of licence duty is a very big item too; and then, I think, having regard to the different conditions here and in the lower Shannon, that the scale of licence duty is not fair. For instance, a snap net here which pays 25s. licence is quite as valuable an asset as the stake net on the Lower Shannon which pays £30; and the difference between the drift net here and the drift net down below is very considerable also, because in the length of the net there is not enough allowance made for the great difference in the width of the river, and of course the river down there varies from about two miles to six where we fish. Then with regard to sea drift nets, it was I who proposed the resolution, a copy of which was sent to the Department. For the last three years, beginning with 1909, there has been a decided improvement in

Mr. Guyon.

12626. The Abbey fishermen would not want to let other fishermen come in?—Well, they wouldn't.

Chairman.

12627. They keep the number to ten?—Although there are so many families they are in one sense one family. They have got a common interest. I simply want to have these snap-net fishermen excluded from any licence in licence duty, owing to their poverty. They are not in the position of the riparian owners, who simply use it as a source of profit, not as a means of existence.

Mr. Guyon.

12628. May I take it that the Abbey fishermen, provided that the existing nets were preserved, would be glad to see any further addition to the nets in the fresh water prevented?—Yes, they would not prevent that, and that is all they are concerned in, and I think it is very reasonable. They are the oldest body of fishermen in the whole country, if it were possible to ascertain who are the oldest body.

Mr. Guyon—continued.

the spring fish, and a considerable falling off in the peal fish. Well, at a time when our peal season should be at its highest, when we have been practically idle for two seasons, they have been getting enormous quantities of fish in those sea drift nets off the coast.

12629. When you say "enormous quantities of fish" do you attach any precise meaning to that?—Yes, because I have the statistics from the markets, from Billingsgate and those places. I am referring to the sea drift nets for salmon.

12630. Have you any information about the marked nets killing the peal?—Yes, I believe they do.

12631. To any considerable extent?—Well, I don't know about that, but I have heard that the peal fish are being sold in Tralee by some of those marked boats.

12632. Of course, they should kill a few, no doubt?—Yes. And coming out of that question, the first thing that should be done would be to re-define the mouth of the Shannon. The present mouth is from a place called Kilmadon, on the Clare shore, to a corresponding point on the Kerry shore. There two points are several miles inside Kerry Head and Loop Head. I say that the mouth of the Shannon for salmon fishing purpose, and as a river, should be from Loop Head to Kerry Head, and then these boats would have to keep three miles outside that.

Mr. Green.

12633. The sea fishing is quite independent?—With sea. And can they fish in the estuaries?

12634. Oh, yes?—I was not aware of it.

12635. Anybody of that sort can be prohibited by a bye-law defining the mouth of a river when they fix it?—Yes.

Chairman.

12636. What you want is to have a bye-law defining the mouth of the river?—Yes. In the matter of stopping the increase of netting and allowing netting already established, I would not put it so far back as 1865. I think if there was a Committee appointed to go into that matter they could fix a certain time, say twenty years back.

12637. Or thirty years?—Or thirty years.

Mr. Guyon.

12638. You would not be content to take it from the Wreckon Act, the Land Purchase Act?—That would be 1904. And then with regard to preservation, I think the effect of allowing rod fishing to go on till the 1st of November is detrimental to it, because some of the greatest poachers in the district are the men who

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Mr. THOMAS EDWARD PRUGH—continued.

[LONDONDERRY.]

Mr. GUYEN—continued.

are employed by rod fishermen, and as long as you allow those people to fish till the last of November I think that will be detrimental to the preservation of the spawning fish.

12659. Now, isn't there a late run of fish in this river (in some of the big English rivers I believe the catch of late fish is valuable)?—I don't think there is a late run in the Shannon. With regard to the free pass during the weekly close time, in the stake nets there is a free pass, and the suggestion that was made here to-day by Mr. Ingham to raise the leader is absolutely impossible.

12660. How would it be raised?—It would be necessary to keep the net or to have the net in such a way that it could be pulled up and down.

Mr. JAMES McDONNELL, examined.

Chairman.

12644. Where do you live?—On the north side.

12645. You are a fisherman?—Yes.

12646. A net fisherman?—Yes, both a sweeping net and a drifting net.

12647. What have you to say now about this question of the mesh of the net?—We are only allowed to fish a small mesh for catching white fish from the last of August to the 12th of February, and that is not a mesh fit to catch herring and whiting or codling that we could ever earn a living by. A fish of 2 lbs. or 3 lbs. weight won't go through that, and they won't allow us to work the herring mesh.

12648. How many inches?—Three and a-half. With the sweep nets we don't catch salmon, and I want to know what are we going to catch with the sweep nets for herring or whiting or codling, and so on. There is the mesh that my father used to fish with in days gone by. [Mesh produced and handed to Committee.]

12649. When was this fixed?—It was fixed thirteen years ago by the Conservators of Lough, and I want to ask what mesh I was supposed to use from August to February, and they told me 3½, and I might as well fish with my hat, as if herring and mackerel would go through that. And there is the net we used always to work for herring and mackerel with the sweep net. I asked for a copy of the bye-law, and there was no copy to be got.

12650. You say the Conservators made this rule?—We never saw it in print, and it is thirteen years since Captain Hall asked one of these things.

12651. Where do you fish?—From the foot of the Lax Water Company's water down to Turlbert.

12652. Alderman Joyce.—Starting five miles below the city, and running down thirty miles below that?—Yes.

The Committee adjourned.

Mr. GUYEN—continued.

12641. And you would be obliged to have it on high stakes to haul it up and down?—Oh, well, it is on high stakes, but it is fixed.

Mr. GREEN.

12652. To have a crane to lower it or raise it would be impossible (of course the leader is reserved from the bag nets round the coast)?—But, then, that is not a stake net, and I am discussing stake nets.

12653. To take up the leader of a bag net in a steeper sea is a difficult task too, but, at all events, it would be very difficult to take up the leader of a stake net?—Extremely difficult, and when they have a free pass I don't see that it is necessary.

Chairman.

12658. What sort of a boat have you?—A hilly fish-bottomed boat. They are not able to go across the river. I asked for a copy of this bye-law about this class of mesh, and I could not get a copy.

Mr. GREEN.

12654. Do you remember when this bye-law was made?—I don't remember.

12655. If you go to Mr. Hooford he will give you the information, and if you don't like that you can write to us.

Alderman Joyce.—I would like to supplement what Mr. McInerney has said, there are a number of these poor men, and when the peal season is finished they go to fish for white fish, flat fish, and herring. They have made complaints to me ever since this bye-law was made, that they might as well not fish at all. And these men have to make out a livelihood between the two seasons. They may put together a little money during the summer, if it is a good season, and when they are out of work they must take up something else to make both ends meet, and if that was not detrimental, and I cannot see that it would be detrimental, to the fish, why should these fishermen be driven to use a mesh that is perfectly useless to them?

Chairman.

We will see what the bye-law is. Mr. Hooford can show it to him, and then a communication can be made to the Department.

Alderman Joyce.—Let the fishermen write to the Department.

TWENTY-SIXTH PUBLIC SITTING.

THURSDAY 7TH MARCH, 1912,

AT 10 A.M.

At the Courthouse, Londonderry.

PRESENT:

THE RIGHT HON. SIR DAVID HARRIS, B.C., K.C.V.O., Chairman.

THE REV. JOHN FENTLAND MABITT, D.D., LL.D., C.V.O.

MR. W. B. GREEN, C.B.

MR. R. H. LAX, Secretary.

Chairman.

It will probably be within the recollection of most of you that this Committee held a sitting here in July last, I think it was on Monday, the 25th of July, and we received all the evidence that was tendered to us on that occasion, and acquired a great deal of very useful information; but the question of sea drift net fishing was not entered into at length, in fact it was

scarcely alluded to at all. At subsequent inquiries to other parts of Ireland the subject of drift net fishing at sea was dwelt upon, but we cannot say that on any one of those occasions the views of those engaged in that industry were fully presented, indeed, they were scarcely presented at all. Now, we were given to understand, as a matter of common knowledge, since, that

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[LONDON.]

Chairman—continued.

drift net fishing at sea is restricted to a very considerable extent upon the coasts of Donegal and Londonderry, and some portions of Antrim, and I may tell you that, with the passage of time upon us, it is at some little inconvenience that we come here now, in order that we may resolve at first hand any views that may be presented to us with regard to drift net fishing at sea. The Committee have no impression whatever, and we have formed no opinion as to the respective merits of the suggestions that have been put before us. Our minds are quite open on that subject, but I may tell you that some of the evidence that was given to us was to the effect that drift net fishing interfered to some extent unduly with the business of spawning fish into the rivers. Now, with those two or three words, you know the object of our meeting here. I don't know who is represented here, but I would ask you just to put before the Committee as shortly as you can, and, as I said, at that hand, the evidence with regard to drift net sea fishing.

Dr. J. H. Todd, Solicitor.—Before you enter upon the special subject of the inquiry, sir, I would like to call your attention to a matter that specially affects Lough Swilly. Mr. Green will be familiar, probably, with the matter that I want to bring before you on the part of a great many of the fishermen. A good many of the private fishermen, individuals like myself, and others who fish in the lough, and the two fishermen, are particularly anxious to bring under your notice a certain question that affects them very acutely, and when I heard of this inquiry I saw a large number of them and collected the information that they are prepared to give, and they asked me to put it before you. I have, accordingly, prepared a short memorandum to this effect: that the trawling inside the lough runs the spawning beds. A great number of salmonids are caught and killed and die and are thrown back into the lough. I have looked at the subject of your inquiry, and I am very much afraid it is not strictly within the scope of your investigations, but I would like to hand you in this memorandum, and perhaps the Committee might consider it.

Dr. McShaffry.—What kind of fish are thrown back?

Dr. Todd.—Flat fish.

Dr. McShaffry.—Sea fish?

Dr. Todd.—Sea fish, soles and plaice. Up to about fifty years ago, travelling, as I am informed, was prohibited in the lough altogether inside an imaginary line drawn from Knockalla Head to Durness.

Chairman.—These are questions for the Department, questions with regard to by-laws which are made for the regulation of the trawlers. Now, we are not here for that purpose at all.

Dr. Todd.—So I thought.

Chairman.—We are not an executive committee. We are here for the purpose of gaining information, in order that we may present it to those who have to carry out these matters after us.

Dr. Todd.—For your information I will hand in this memorandum if you will permit me.

Dr. McShaffry.—Does this memorandum affect the salmon at all?

Dr. Todd.—I cannot say that it does. I cannot say that it affects the drift net. It is only as to the injury done by trawling inside the lough.

(Memorandum handed in.)

Mr. B. H. Lane, Solicitor.—I represent the Irish Society, and I have instructed my friend Mr. O'Donnell to appear on behalf of the Society, and we have witnesses here, but I really don't know whether they should be examined or not.

Mr. J. E. O'Donnell, Sheriff.—I represent the Inshore fishermen. We did not know or think that the Committee would interfere with us, considering that under the terms of reference to the Committee they were formed for the purpose of dealing with the inland fisheries. We thought, therefore, that they purely dealt with rivers, and not with the drift net fishing in the open sea, and that in the season we were not represented here on the day that the Committee sat in July. This sitting of the Committee now comes to us in a rather an inconvenient way. I have witnesses here to give evidence as to drift net fishing, but I would like to have some evidence of the owners of fisheries before we are called upon to give any rebutting evidence.

The Committee are probably aware that this whole question of the drift net sea fishing has been already the subject of judicial proceedings, and that the whole case was argued within the last two or three years in the Irish Courts and in the House of Lords, as to the question of drift net fishing being an obstruction to fish going up into the rivers. Proceedings were instituted by the Irish Society and the owners of several fisheries round Londonderry against the drift net fishermen of Inishowen; and that case went to the House of Lords, and it was held by all the Judges who heard the evidence there that there was no obstruction to the fish going up.

Dr. McShaffry.—What is the date of that judgment?

Mr. O'Donnell.—The date of the judgment of the House of Lords is about a month ago. It was decided in January, the end of January, and I have here a record of the judgment of the Irish Courts.

Chairman.—I think we are here on another point. No doubt that, as you describe it, is not an inland fishery, it is a sea fishery; but the salmon is held to be an inland fish, and, of course, the question of its access to those spawning grounds comes within our purview, and we are not here to inquire into the respective merits of one party or the other, where the river or the estuary joins the sea.

Mr. O'Donnell.—Oh, no, but this is an authoritative decision that has already been given that this drift netting is no obstruction to the passage of the fish. If the owners of fisheries in the Foyie and the Bann had been able to prove that their several fisheries had been materially damaged by the action of the drift net fishermen, they would have had a cause of action and they would have succeeded, that is, if they had evidence sufficient to prove that, so that I am only saying that that is the state of the case as regards the Inshore fishermen as it stands at present, unless there is other evidence given here to-day. But there has been no sufficient evidence given already, and it has been proved that there has been no obstruction, and what we allege, of course, is, that it is in the narrow waters that all the injury to the fish is done, where the owners are fishing from April till October continuously. I only want to point out, as regards this drift net fishing, that it is only in a short season of the year which starts in the middle of June and ends in July, a period of six weeks. That is the season during which the drift net fishing is carried on here.

Chairman.—That is one item of information that we have received for the first time from any authority, and the receiving of such information is one of the objects for which we have come here. We want to have first hand information with regard to drift net fishing. We have not heard up to the present time, till you stated it, what that season was, nor have we heard what the length of the nets may be, or what are the conditions under which the nets are shot. That is one of the things which we have come to hear, if it is thought desirable on the part of the drift net fishermen to present them to us. We should like to have particulars with regard to this industry.

Dr. McShaffry.—Why is this season confined to six weeks?

Mr. O'Donnell.—Because that is the only time that this fishing can be carried on. It is only during that period of six weeks, and it is only for about two hours in the twenty-four, and it is carried on at night.

Mr. A. R. O'Connell (Counsel for the Hon. the Irish Society).—I desire to interfere with my learned friend, but do not take me as agreeing with Mr. O'Donnell's statement as being absolutely accurate with regard to the facts.

Chairman.—This is only Counsel's statement. We came here for evidence.

Mr. O'Connell.—You came here, sir, to obtain particulars with regard to the salmon, whether the salmon species was to be exterminated by destruction of the breeding grounds.

Chairman.—Oh, so, we won't go into that at all, that is, about the breeding grounds. We want evidence as to the particulars of this industry, and the circumstances under which it is pursued. Mr. O'Donnell, I desire to put it to you that it is with the view of giving the drift net people an opportunity of putting their case, in that respect as well as everything else, before us that we come here.

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[LONDON.]

Mr. O'Donnell.—I quite understand, and could I give the Committee any better or more authoritative evidence than the evidence that was introduced in the case to which I refer, namely, the case of the Irish Society against the Fishermen Fishermen?

Chairman.—No, that is a question also which we are not here to enter, that is, as to the particular circumstances and details of the difference between the Irish Society and the fishermen.

Mr. O'Donnell.—But it covers the whole ground of the whole method of fishing and the length of time.

Chairman.—But you might give it to us in tabular form, and not go into the whole question that was presented in the courts and before the House of Lords.

Mr. O'Donnell.—Of course, but all the evidence was taken before the Master of the Rolls.

Chairman.—But can you not give us a witness?

Mr. O'Donnell.—Yes, I can.

Chairman.—That is what we want.

Mr. O'Donnell.—As regards the depletion of the fish, you will take us as saying that it is caused by over-fishing in the private rivers where there are several fisheries. That, we say, is what is responsible for the depletion, if any, in the salmon fishing industry. They are fishing there, as I have told you, from April till October continuously with a special net here in the Derry district.

Mr. Lusk.—The season ends on the 15th of August, and I don't see how you can say that the fishing is continuous till October.

Mr. O'Donnell.—I want to point out another reason that we allege for the deficiency of fish in these rivers, and that is, that in the very district here they have a right to fish and capture salmon with a mesh of one inch from knot to knot, and there is no other place where, under the Irish fishing code, there is such a net allowed for the capture of salmon or any other fish. That is a bye-law of February, 1871.

Dr. McLaughlin.—How do you distinguish their net from the salmon net?

Mr. O'Donnell.—The time and the seasons would be somewhat different.

Mr. O'Donnell.—Of course in the drift net fishing we have a weekly close season, in these six weeks of two hours a day we have a weekly close season. I contend that it was never intended to have a close season in the open sea. This question was brought up before the Department of Agriculture in framing a proposed bye-law to put the drift net fishermen out to a certain distance from the mouth of the rivers, and that bye-law came before the Privy Council. The private owners were not able then either to give any evidence that they were materially injured by the drift net fishing, and the drift net fishermen feel that they are harassed unduly coming up here year after year to meet these attacks made on them. They feel rather sore about it, naturally.

Chairman.—May I point out that there is no reason why you should feel sore at our inquiry here, because we have come here to give you an opportunity to put on our records some particulars of the industry, and to give the drift net fishermen an opportunity of presenting their position, because we have had, more or less, what I would call as party evidence in other places with respect to the state of the case, and our attention was drawn to this—I won't say the agency exactly, but our attention was drawn to this about three weeks or a month ago, and it was that that originated the idea of our coming here.

Mr. O'Donnell.—Well, I will call a witness now.

Mr. O'Donnell.—I represent the Irish Society. With reference to the House of Lords case, to which Mr. O'Donnell refers, there were two points at issue only. One was, were the drift nets illegal and fixed engines, and the other was, were they illegal as a nuisance at common law, i.e., an obstruction to the account of fish, and that case dealt with drift nets merely from that point of view.

Chairman.—We really don't want to go into the whole case that was presented to the courts and to the House of Lords.

Mr. O'Donnell.—I don't think the learned Counsel is meeting the Committee fairly in making a statement of that sort. Mr. O'Donnell was Junior Counsel, and I think it was quite unfair of him to say that the question of obstruction was not gone into.

Chairman.—Really, we have not come here to inquire into the question that was fought out in the House of Lords. We have come here to learn particulars of the drift net sea fishing, and we will confine ourselves to that.

Mr. John Sweeney.—I came here from the very extreme point of Donegal, and I put it to you that our evidence, that is, the evidence of myself and others interested at that part, should be heard first, as we want to get home to-night.

Chairman.—Well, we will get through the evidence as quickly as possible, and we will try to accommodate you.

Mr. O'Donnell.—I would like to point out that, as the law stands, we have no grievance. We are only here to defend our rights.

Chairman.—I have tried to explain the object with which we are here. If I have failed to do so, I will go over it all again.

Mr. O'Donnell.—I quite understand.

Chairman.—Then, will you produce a witness?

Mr. O'Donnell.—You prefer me to go on?

Chairman.—You are the person and your witnesses. It was to afford you an opportunity of giving us some information with regard to your industry that we came here.

Mr. JOHN SWEENEY, examined.

Chairman.

12656. You reside at Burtport?—I do, sir.

12657. And are you engaged in the fishing industry?—I am, sir.

12658. That is, the drift net sea fishing. Have you a drift net, and are you interested in the drift net sea fishing?—I am, sir.

12659. Is it by supplying fishermen with nets, or do you employ men yourself at this fishing?—I supply men with nets, and I give them a share.

12660. Now, how many crews are there in Burtport in connection with your business?—Well, as regards my business, it is very small in comparison with that of a bigger firm that exists there, that is, the Donegal Fishing Company.

12661. Is that bigger firm, do you know, represented here?—It is, sir.

12662. Then, just tell us your own case, and they will give us information as to theirs?—Well, Mr. Chairman, I would like to know what this inquiry is for. I have been summoned here, and I want to know what my evidence is going to be used for.

12663. We have no information on our notes from the time we commenced as to what the fishing is at all, and I wanted somebody that could give information to us as to what the volume of it is, and the circum-

stances under which it is pursued, what the close time is, what the season is, and anything else pertaining to it?—I will be most happy to answer any questions regarding it.

12664. Perhaps you could give us the information as your own words better than to answer to me?—Salmon fishing commences on our coast about the 15th of June and it ceases at the end of July. The parties who prosecute the salmon fishing do it with small boats. The days are long then and the nights are short, and the actual hours for fishing are only about ten hours a week, ten hours out of the week, that is, that the men go to the fishing ground, and I want to make it plain to you that when they go to the fishing ground they must be there at ten o'clock at night, as there is no use in their fishing in daylight. Then, at two o'clock it is daylight. They have to try their nets, and it takes a certain time to do that, and if they don't find that they are on good fishing ground, they haul them in and they go away to another place.

12665. How would they find out between 11 and 2 o'clock whether they were on good fishing ground or not?—They test the net.

12666. They take a look at the nets?—They try them. Mr. Green knows perfectly well what I am talking of.

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Mr. JOHN SWENNEY—continued.

[LONDON.]

Mr. Green.

12667. At the present moment I must be in a state of complete ignorance?—Well, that is a fact. The fact of the matter is, that they have only a limited time to fish. You see, there is a prohibited time. They cannot fish on Sunday night, and they cannot fish on Saturday night, and there are only five days in the week that they can fish.

Chairman.

12668. Can they fish on Monday morning?—Well, they can.

12669. After 12 o'clock?—Well, there is no use in fishing in daylight.

12670. From 12 to 2?—From 12 to 2 they can, but they do not, generally, and they cannot leave their nets in their boats, under a bye-law which was passed.

12671. Is the size of the net prescribed?—No.

12672. Is the mesh regulated?—Well, the mesh must be regulated, in their own interests.

12673. But is it prescribed by law, by bye-law, or anything else?—Oh, certainly not.

12674. You can have any sort of mesh you like?—Yes.

12675. And any depth of net?—There is no use in having a deep net.

12676. But the depth is not prescribed?—It is not prescribed.

12677. You must have a lawful mesh, for Mr. Green says the mesh is prescribed by law?—I was not aware of that.

12678. Now, the depth is not prescribed, and you have any length of net?—Certainly, you have the Atlantic Ocean to fish.

12679. How far do the boats go before the nets are shot—how far from the land?—That is a matter of option for themselves.

12680. Where they think themselves that there may be a run of fish?—Where they think themselves the fish are running.

12681. As a matter of experience, how far out do they go?—I would say about two miles from the headland of Arranmore Island, but they often go much further. I know when the fish are in the track of a steamer that these men run great risks of being run down by steamers at night.

12682. As a matter of experience, what length of nets have they?—Their nets are from 1,000 to 2,000 yards.

12683. Are they 2,000 yards?—Yes. Owing to the short night, a boat having 1,500 yards is generally more successful, as the time occupied in shooting and again hauling the train of nets takes too long, so that, by experience in this matter, they find 1,500 yards the most successful length.

12684. Now, where do the fish go that are caught at Burtport, where are they brought to?—They are brought into Burtport.

12685. And land there?—They are land and sent off to London, or wherever there is the best market.

12686. What are the salmon run to?—I can't say that we catch very good salmon round our district of the coast.

12687. They are generally what they call grilse?—They are generally what they call grilse.

12688. There are very few of them that run to a size that you would call a respectable size for a salmon?—Very few.

12689. Would you say that from 7 to 8 lbs. would be the average?—Yes, it would. They would be 8 lbs. on the average.

12690. Is there any river near Burtport?—No, not at Burtport.

12691. No salmon river?—Not at Burtport, but we have the Gweedore river, which is only about 10 miles.

12692. As a matter of fact, have you studied the question of how these fish run?—Yes, I know how they run.

12693. South to north?—Oh, no, they run east to west, because the fish are never caught in the salmon net except in that direction.

12694. From east to west?—You will never get salmon in the net running from west to east, but you will get them from east to west.

12695. That is at Burtport?—Oh, no, everywhere round the coast.

12696. All that is very interesting. I hear it for the first time?—Yes, but you want to hear something else.

Chairman—continued.

12697. Now, let us hear anything more you have to tell us?—I, as being partly interested in the fishing, take exception to one thing, that is, that the owners of inland fisheries have certain rights at present which are recognized by law, that is, by bye-law. They bag the salmon even in the mouth of the rivers, and I consider that unfair.

12698. When you say bag, what class of net do you mean, is it stake net?—Drag nets. The method of fishing is with a drag net. The salmon come with the tide to the mouth of a river and have not sufficient water to carry them up. They lie in the pools until the tide turns, when they are dragged with these drag nets. I will give you an instance, just to illustrate it. The Gweedore river empties at Burtport into the sea. At the time that the fish run to go up the river and to spawn it is a very dry time of the year. It is about the 10th of June or so that they come in with the tide into Burtport. There is a fall into the river, a pool at the bottom of it, and they have not water to bring them up, and they cannot get out again. Well, they are killed there. The owners of the inland fisheries don't give them time to get out, so they fish in this manner day and night. They fix their nets, and take the whole lot and send them off.

12699. They fix the nets right across?—Right across. I say that it is unfair. That is one of the grievances I have to bring forward before you, Mr. Chairman, and I say that it is very unjust. They held an inquiry before. Mr. Green was down at Burtport. Seeing that we, the sea drift net fishers, were losing such great quantities of fish by the persecution of that industry we brought it before him, and I think he will agree with me when I say that the inland fishers are the delinquents in the matter, that they are taking the fish going up into the river and lessening the quantity of salmon.

12700. Who was the owner of that net?—Captain Hill. I only put it as an instance. I am not putting him in the forefront. He just stands in the same place as any other. The worst thing that I take exception to, gentlemen, is this, and I think you will agree with me. A sea fisherman pays £3 for a licence for fishing in the open sea, in the wide Atlantic, where anybody from America or Austria or anywhere else can fish with impunity, and he has to pay for leave to fish at £3 licence, whereas the man who comes over to our country for pleasure, and who can afford to pay, only pays £1 1s.

12701. That is for rod fishing?—For rod fishing.

12702. But that has nothing to do with the Austrians or Germans?—No, but I want to mention everything.

12703. But the foreigner could not land the fish, he would have to carry them away with him?—Unfortunately in the Maccy Firth a foreigner can land his fish without any duty, and a man from Scotland could not. You are aware of that.

12704. If he did come to fish, and if he brought the salmon ashore, we would like to see something of the £3 licence?—Well, there are the three grievances that I have to put before you, Mr. Chairman, and I say they are grievances.

12705. You think that there ought to be an equitable consideration of all the different interests in connection with fishery?—Certainly. I say the fish belong to nobody, that they are free license to go up the river, and the mouth of the river is obstructed in such a way that the fish cannot go up the river, and the inland fishers have no more right to stop them and curtail them than any other body, and what I would suggest, Mr. Chairman, is this, that the inland fishers should not get the right to put the bag (what I call the bag, you understand me) up to the mouth of the river and take the salmon that are going up to spawn. They lessen the quantity of fish, and it is not fair to the general public. We want the quantity of fish, and it is going against the propagation of the salmon do you understand, to take them at the mouth of the river. They go in there to spawn, and the circumstances of the case don't allow them to go up because the water is low, and they can't go out against the tide, and they are not allowed. They are bagged, and under these circumstances I consider, and my humble opinion is, that they should be put on a par with the sea fishers who are paying their three guineas for the prosecution of their industry; that they should be put a mile and a-half off the coast and give the fish a chance of going up the river and spawning, and giving us a volume of fish to feed the whole country.

12706. You are for giving the fish and the fisheries fair play all round?—Yes, right.

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MR. JOHN SWEENEY—continued.

[LONDON: H.M.S.O.]

Mr. Green.

12707. Of course, it is necessary to create some interest in the people who have the charge of these inland rivers. They must have some fish to give them an interest, and their interest in these inland fisheries goes a long way to protect the spawning beds?—In my contention men have special interest. For instance, Lord Lintin and Captain Hill and the parties that have inland fishery interests have hotels and bring a lot of gentlemen over in the fishing season, and it pays them to bring those people over; they keep their hotels, and they pay a certain amount for the right to fish.

12708. There is a great deal in what you have said, but what I mean is this, that it is not a good thing to take away altogether the interest of the people who have charge of the rivers; it is not a good thing for the fishing in them to destroy the interest of the people who have the charge of the rivers in which the fish spawn, and you must give them an interest in them; you must give them something for their work?—Oh, certainly, and they are getting it.

12709. You think they are getting too much?—Oh, no, I would not say that.

Dr. McAffy.

12710. You seem to think it a grievance that net fishermen pay £3 for a license while a rod fisher pays only £1?—That is it, sir.

12711. Do you think that the rod fisher gets one fish for the fifty that the net fisher gets?—What is not the point. They stand on two different bases. One is for sport, the other is for maintenance.

12712. I suppose you know the man that pays a £1 license very often does not get fish at all?—That does not make a bit of difference. He gets the exercise that his liver requires. You are putting me an important question, and I am answering it as well as I can.

12713. You say that the fish are all caught going from east to west?—In the drift nets, yes.

12714. Surely the course of the salmon is from the sea inwards, not from the lands onwards?—I am only telling you.

12715. But I want to know?—I am only telling you the facts. I have never been fishing salmon myself, but I am in touch with the people who do fish, and they tell me that they don't get the fish from west to east, but that they all come into the net from east to west.

12716. But would not that be from the shore side?—No, sir, it is from east to west. You know the geography of our coast.

12717. Mr. Green.—Did I understand you, Mr. Sweeney, to say that the fishing does not commence till

10 o'clock at night, and that it goes on till 2 o'clock in the morning?—Well, now, you know the length of the day on the 10th of June, and you know perfectly well that the night is only four hours long.

12718. Just one other thing. Does it occur to you that when those fish are going west, after they have struck the coast at Malin Head, that they are going down to the great rivers of Ireland and so run along that coast?—Oh, yes, you know it is a well-known maxim, known to everybody in the fish trade, that fish go to their own rivers.

12719. One other thing. Have you any personal experience of the fishing yourself?—I have. I don't say that I have practical experience, but I have theoretical experience, and have been in touch with the fishermen and sometimes go to our boats.

12720. You don't go out in the boats yourself?—Oh, no.

12721. Mr. O'Donnell.—When you say in your evidence that there should be no fishing within a mile and a-half of the coast, I suppose you mean by that that at the present time no fishing can be carried on within a certain area of the mouths of the waters?—Not legally.

12722. Within a certain area of the mouths of the rivers?—Quite right.

12723. That is what you referred to; you did not mean that in addition to the distance that the drift net men must keep at the present time they should be put out another mile and a-half?—Oh, no, what I do say is that all should be put on a par, that the owners of inland fisheries should not get any advantage over the drift net fishermen.

12724. At the present time they take the fish at the mouths of the rivers when the time comes twice a day?—Yes.

12725. They do that twice a day?—They do any time they wish; day or night they can fish with impunity.

12726. The fish come up there with the tide?—Yes.

12727. Now the drift net men can only fish once in 24 hours?—They can fish 24 hours a week or two hours in the 24.

12728. Mr. Green.—Am I right in saying that you are connected with the firm of Messrs. Sayers in any way?—Witness.—Mr. Sayers?

12729. Are you connected with their firm in any way?—Witness.—With the firm of who?

12730. Of Messrs. Sayers of the Donegal Fishing Company?—Oh, no, I have not the least monetary interest.

12731. But you know they have a large number of boats engaged in the fishing?—Yes.

MR. ROBERT SAYER, examined.

Chairman.

12732. Now you have been here for the last ten minutes?—Yes.

12733. And you have heard Mr. Sweeney's evidence in answer to the question which he has been asked and the general character of his evidence?—Well, I did not hear it all, but I heard some of it.

12734. You are interested in this matter?—Yes.

12735. And perhaps you would, in your own words, give us any information that might strike you as being useful to us with regard to this drift net fishing?—Yes. Well, we are largely interested in the salmon fishing on this coast. We supply nets for a good many boats.

12736. Can you tell us the number of boats?—We have about 55 to 60 boats fishing on the coast.

12737. And is there more than one net in a boat?—Oh, well, they have about 1,500 yards of net.

12738. There are not two distinct shootings of nets from the boat, each boat shoots one net?—Each boat shoots one net. They are supposed to have 1,500 yards of net, but when the net is mounted and fitted up for fishing it comes to something about 1,300 to 1,200 yards really. Well, these men go out to fish and they fish from dark till dawn. They begin about 10th June and finish up about the 25th or 26th of July.

12739. I take it that the run of fish does not begin before the 10th of June and goes on till the 25th of

Chairman—continued.

July?—About that. We get an odd fish or two before, and we get a fish or two after, but, perhaps, about the 25th or 26th it finishes.

12740. Now about the size of the fish?—Well, the fish average somewhere from 6½ to 7 lbs.

12741. That is grilse?—Yes.

12742. I take it that a large proportion of those fish are potential spawners, they are making for the fresh water to spawn?—Well, I suppose when the salmon are on the coast they are all making for the fresh water—there is not much doubt about that—for breeding purposes. These salmon all breed in fresh water. They all spawn in fresh water, and there is no doubt that is the reason they come on the coast. It appears to me that the fish come from the deep water to the coast, that is, from the deep sea towards the North of Ireland, and, from what I hear from the fishermen, to split somewhere about Malin Head, and part seem to go east and part seem to come west.

Dr. McAffy.

12743. They go down the coast?—Down the coast, and west of Malin Head the fish mesh on the east side of the net, and on the east side of Malin Head the salmon mesh on the west side of the net.

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MR. ROBERT SAYER—continued.

[LONDON.]

Chairman.

12744. So they just divide them?—Yes, I fairly so.
12745. You have been acquainted with this industry for some years, I take it?—For twelve years.

12746. Can you tell us has it been developing, whether the number of nets and the quantities of fish have been increasing during those twelve years, and if so, in what proportion?—Well, I could not go exactly into the figures, but I think there is just about the same quantity of fish caught now that there was ten years ago.

12747. Have those boats been engaged all that time?—Of course, at the beginning of it there were not so many boats busy. At first there were two boats fishing at Burtogport, and the men fishing in those boats could not agree at all about the matter. They considered that the Atlantic Ocean was not big enough for them, and so they quarrelled about it, but since then the number of boats has increased wonderfully, and they have been increasing, I suppose, till the last two or three years when I think they have stopped increasing, but from the time when they reached their greatest number, about four or five years after they began, I think that the quantity of fish that they got was just about equal to the quantity of fish caught last year, but we find the same quantities of fish are not caught every year.

12748. Seasons vary?—They do. Some seasons large quantities of fish are caught, and some seasons not so many.

12749. Was last season a good one?—No, rather below the average, but, of course, a great deal depends on the state of the weather when the men fish. They only fish from dusk till dawn, and it depends on whether it is a calm night or a breezy night.

12750. There are nights on which they could not shoot the nets at all?—Well, it happens so sometimes. There may be very bad weather, and these men are very bold fishermen, and they go out on some nights when it is not really fit for them to go, but the worst weather they have to contend with is calm weather. If it is a very calm night the fish won't mesh at all.

12751. A calm, bright night?—Yes, a light night. It does not matter so much about the moon, but the calmness of the weather.

Dr. Makey.

12752. Do you think the fish see the net?—Yes. The men say that the fish actually swim along beside the net, going round, and often they see them jumping out of the water to swim over the net.

12753. Are you acquainted with the circumstances of the inland fisheries in Ireland?—Well, I don't know very much myself about it, except that I may now and then amuse myself with a rod; that is all.

12754. You think a guinea is enough to pay?—I think it is plenty for what they get, and I understand that in some places where they fish and pay their guineas, they are not allowed to get the fish they catch; that is rather hard law, I think.

12755. About how many men do you employ?—Well, I should think about 300.

12756. Do those men get wages, or do they get a part of the fish they catch?—Oh, well, we supply them with the nets, and then they catch their fish and we pay them so much a pound for the fish and take off a share for the nets.

12757. No wages?—No wages.

12758. During the rest of the year what are these people doing?—They are most of them crofters.

12759. Small farmers?—Small farmers; and when there is any herring fishing they go and fish for herrings, and they go and fish for lobsters, and they fish for crabs.

Mr. Green.

12760. And I suppose you opened some of the salmon to see what was inside them sometimes?—Yes.

12761. Have you made any special observation as to whether they are feeding at that time at sea, or whether their stomachs are empty?—No, their stomachs are pretty full.

12762. Of herrings and sprats?—Oh, yes, and little fry.

12763. As a rule, do fish that are caught in fish nets seem to be feeding?—Oh, yes. Of course, I haven't examined many of them, but I just got one now and then.

Dr. Makey.

12764. I think I am right in saying that Captain Hill's river, the Goodere, is a late salmon river, that the fish don't come in there early in the season at all?—Well, we have some boats buy from Galagh (that is just off the Goodere river), and they catch the fish just the same time as the people out further west.

12765. At the beginning of June?—At the beginning of June.

12766. But there are no fish coming in there much earlier than that?—I don't think so, our men sometimes try for a few days before that, but they seem to get nothing till, say, the 10th of June, and then it is just three or four or half-a-dozen fish.

12767. Mr. O'Connell.—You are a member of the Donaghy Fishing Company?—Yes.

12768. And you have a very large firm in London?—Yes.

12769. Do you know Mr. May, of Billingsgate?—Yes.

12770. Do you agree with him that 70 per cent. of drift net fish are badly injured by the net, or mutilated?—Certainly not.

12771. You would not agree with that?—Certainly not. Our fish see all drift net fish, and we don't find any injury scarcely. There is just an odd one where the fish was knocked about in the boat or grabbed to get it into the boat, or something of that sort.

12772. Don't you find the fish marked, ring scaled or marked with the needles?—Very few.

12773. Aren't there a number of the fish drowned?—Well, they are bound to be drowned when they get meshed in the net. When you compress a fish's gills you drown him.

12774. Has not that an effect on the quality of the fish?—Not the slightest.

12775. You think not?—No, I eat some of them sometimes and I find them very good indeed.

12776. Haven't it an effect on the length of time for which they would keep?—No.

12777. You think not?—No.

12778. Do you mean to say that a fish that is caught with a drift net will keep as long as a salmon that is caught, say, in a bag, or a drift net, or by rod?—Certainly.

12779. And don't they turn red in the gills, and can you not tell a drowned fish if you saw him?—No, but, of course, the blood of the gills gets congested and rather dark.

12780. And in warm weather does that not set up decomposition rapidly?—Well, it would do if you kept it long enough out of ice, but that would apply to any other fish.

12781. And you are able to dispose of them quickly enough to avoid that?—We get them into the market the next day or the day afterwards, the first or second day afterwards.

12782. Have you been increasing the length of your nets since the fishery commenced?—Well, the first nets we gave out the first year were about 1,000 yards, and since then we are increasing the length to 1,500 yards.

12783. At the previous inquiry when you were giving evidence you said that the length of the nets was from 1,000 yards, did you mean upwards or downwards?—Upwards.—From 1,000?

12784. From 1,000?—I don't remember to have said that. It is never more than 1,000 yards, and very seldom that, because we buy the nets in three 500-yard pieces, and we fit up these nets, and in fitting them up they are drawn in, and the length comes to between 1,300 and 1,500 yards.

12785. What would be the cost of one of these 1,000 yards nets?—Well, last year they came to about £24. I suppose this year they will come to about £25 or £27. The price has gone up.

12786. For each net?—Yes.

12787. What price per pound do you pay to the fishermen for the fish?—Well, that is a business question.

Chairman.

12788. We don't want to go into that. We want to know the volume of the trade, but we don't want to know the profit.

Dr. Makey.

12789. How many hundred fish would you have in a good season?—do you get 1,000 fish in a season?—Yes, last year we got 9,000 altogether.

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Mr. ROBERT SAYRE—continued

[LONDON.]

Dr. Makeffs—continued.

12790. And it was not a very good season?—Well, it was rather below the average.

Mr. Green.

12791. And that was fishing with 50 boats?—That was with over 50, I think there were 53 or 54, I would not say the exact number.

12792. Mr. O'Donnell.—How many men were in each boat?—From four to six.

12793. About the cost of the net, am I right in saying that the cost of the net is £24 when it is completely fitted up with cork and all?—Oh, yes, the whole thing costs that.

12794. About the value of the fresh water fish and the sea salmon, what are the relative values in London?—There is no difference in the value at all.

12795. And as the price the same; will a salmon caught in the sea by a duff not bring as much as a salmon caught in the river?—There is no difference at all.

Mr. Green.

12796. There is just one point that I want to call your attention to, that is, perhaps, a bit confused at present. You were speaking about the length of the nets, about their lengths before being fitted up and after being fitted up?—Yes.

12797. I want to know when you buy the net of net from the loom, stretched, what length is it?—500 yards.

12798. How many do you put together?—Three.

12799. That is 1,500 yards?—Yes.

12800. That is before the mounting?—Yes.

12801. How much do you take in when mounting, isn't it about a third?—Yes. You see, when the loop is put on the back rope you draw in the net a little and let it hang, and draw it in again an inch or so, I suppose.

12802. You want to get the mesh to fish square?—Yes.

12803. Do you know what the lengths of your cork rope are?—No, we don't measure the length. We put it on the net and cut it off.

Chairman.

12804. According to your experience, the nets shot would be about 1,250 yards?—About that. Of course, I have not measured them exactly, but that is what I guess.

12805. Do you know that they put more than three together?—We never do.

12806. Do you have the three put together before they are sent over home?—No, we get the nets put straight from the manufacturers, three 500 yard pieces, and we put them together and mount them and hand them to the fishermen. I can give you the quantities of the fish that we caught during the last six years.

12807. That would be very interesting?—In 1906 we caught 7,470 fish; in 1907 we got 6,129; in 1908, 5,219; in 1909 we got 13,626.

Dr. Makeffs.

12808. You got an increase in that year?—But the average is just what I have mentioned. In 1910 we got 9,916, and in 1911 we got 8,432. I hope 1912 will be 10,000.

12809. Is there a wide interval between the nets. One of your boats shoots a net of 1,500 yards and then another shoots 1,500 yards more. Is there a wide interval between those two, or do they come close together?—Oh, no, they take up a good deal of room and a good deal of distance from one another, because, if not, they would be very likely to get their nets fouled.

12810. They have to be well close of one another?—Yes.

12811. And there is room for the fish to go between them in the interval?—Oh, yes. Sometimes a fisherman grumbles because another man with a boat has shot to the east side of him.

Mr. Green.

12812. Have you had the 50 boats fishing for all that period for which you have given the figures?—Yes, I don't think we have altered the number of boats for

Mr. Green—continued.

several years, except just that there might be one, or one or two, more or less, in one year more than another, perhaps.

12813. What is the furthest point they go to?—I think they would go as far as ten miles off.

12814. They go ten miles?—They might be ten miles off.

12815. And that is exceptional?—That is exceptional, but they fish from three to seven miles; and oftentimes I have heard them say, and I think, that those who went furthest got the most fish, but sometimes it is the other way about.

12816. Off Arranmore is one of the places your nets go to?—Yes.

12817. Off Arranmore, how far out do they usually fish?—Three to four miles, I think.

Dr. Makeffs.

12818. Does it make any difference whether it is near the mouth of a river or not?—Oh, no, our men keep away from the mouths of the rivers. They seem to like to keep out to sea. They say they get more fish out there. When they started it first they thought they would get them close to the rocks, and they used to fish close to the rocks, but they gradually got out further, and as they got out further they found that they got more fish.

Mr. Green.

12819. Do you go as far as Tory Sound?—Yes, we have some boats fishing about Tory Sound.

12820. And is that a very good place?—Tory Sound, well, yes; pretty fair.

12821. Mr. Overend.—As far as you are concerned, it would be no hardship to have the drift net fishing three miles distant from the shore and from the mouths of the rivers—to make a bye-law prohibiting the boats coming in within three miles?—Well, I think that would be rather a hardship, too.

12822. But if they never fish inside, it could not hurt them?—But they do fish inside that sometimes.

12823. Only occasionally?—Occasionally. But we have always kept the close time during the week the same as it is in the rivers, from the Saturday morning till the Monday morning. Is there any Act of Parliament which says that they shall not fish in the ocean outside the three miles limit during that close time?

12824. I am not going to give an opinion on that. Whereas, if a fisherman fishes outside the three miles limit during that close time would he be liable to prosecution?

Chairman.

12825. I am afraid that is where the Antrim comes in again. I think the question has an answer, but we would scarcely be able to give the answer?—We should like to be able to answer it ourselves, but I cannot find anything in the Act of Parliament saying that they shall not fish out there.

12826. Mr. O'Donnell.—You have heard Mr. Swaney's evidence about the bagging of the fish at the mouths of the river by the owners of several fisheries?—Yes.

12827. Have you had any experience of that?—I have had nothing to do with any bag net.

12828. You know Captain Hill's river?—I don't know which is Captain Hill's river.

12829. You know he has the Gwendolen river?—Yes.

12830. Have you seen him fishing there?—Where?—In the inland water?

12831. Yes?—No, I have not seen him fishing.

12832. Didn't you hear Mr. Swaney's evidence that he saw them bagging fish there at the mouth of the river, getting the fish coming up?—Yes.

12833. You don't think that is beneficial?—I don't think it is beneficial to anybody except those who get the fish, but it is unfair fishing, because the drift net man fishes in 20 to 60 fathoms of water, and he has a net eight feet deep and the net in the river has a net which sweeps that river from the surface to the bottom, and the fish have no low there; they cannot get under it or over it or round it.

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MR. W. A. FRIBELLER, CHAIRMAN.

[LONDONDERRY.]

Chairman.

12834. Whose do you live?—Portewart. I just wanted to say, with regard to notice to the drift net fishermen of Portewart, that I think I would be safe in saying that there is not a single fisherman of Portewart who fishes in the drift net line that got any proper notice of this meeting. The only notice, as far as I am aware, that came to Portewart came to the police barrack, and that is a place that the majority of our fishing people keep as far away from as possible. I would not have known anything about the meeting had I not got this notice from Mr. English.

12835. But you are a Conservator?—Yes, but I am here to give evidence on behalf of the drift net men from Portewart. On the occasion of the last Inland Fisheries Committee's sitting that was held in Londonderry here, I happened to be a member of the Conservators Board, and in Coleraine, at a meeting held some time in July at which I was called up for a supposed offence in connection with a several fishery that I held, a question came up about the last sitting of the Inland Fisheries Committee, as to sending evidence, and at that meeting I asked Mr. English, and I think Mr. McDermott, what about the drift net men, and would they be recommended; the answer that I got was, that this was entirely a matter for inland fisheries, and that he had nothing whatever to do with the drift net or those men. Of course that alleged any suggestion that I had with regard to the drift net fishing, and I did nothing, and thought it was not necessary that we should send a man. But afterwards, in reading out of the paper what took place at the sitting of the Committee in Londonderry (it may be right or it may be wrong), I saw that Mr. McDermott, who sits with the Conservators for the Foyle and Bann, and who also holds the reins of power for the Foyle and Bann Fishery Company, handed in to the Committee a statement in writing on that occasion. None of us drift net fishermen has ever heard, so far as I know, what was in that report. I don't know whether we should hear it or not, but I think, if there was any evidence given, we, the fishermen, should know about it. Then, as to this meeting, had I not been a Conservator, it is possible I would never have heard of it, and certainly the fishermen would not, because I had to call them all together and to tell them. They asked me to come. And I don't know what this meeting is for.

12836. Were you here at the sitting of this Committee this morning?—No, sir, I did not get in till the first witness was being examined.

12837. I made a few observations at the beginning of the sitting, and if you had been present then you would have understood exactly what our position is—that the Committee are merely seeking for information, that if all the circumstances of the drift net fishing had been brought before us in July last we would not have been here now; and also that whoever told you that there was to be nothing about any fishing except that which was in rivers did not tell you quite correctly?—Maybe they did not know, sir.

12838. Probably they did not know, but it is a portion of our business to inquire into the salmon wherever he goes, and he comes from the sea and goes back to the sea. But we have come here now, and perhaps you would give us any information that occurs to you with regard to the drift net industry?—Well, will you ask me previous?

12839. You possibly will be able, from what we have heard, to tell us your own as well as if we ask you any questions?—Witness.—Is the object of the Committee the curtailment of the nets or the limitation of the distance?

12840. We have no object whatever in the way of prescribing any rules or regulations for the nets. We come here to inquire into the conditions under which the drift net fishing is carried on, the volume of the industry, and anything pertaining to it, the number of boats, the number of men, the nets, the length of the nets, the periods of fishing, and what fish they catch?—The way we fish in Portewart is, we work with nets from 1,000 yards, possibly some of them less, some more, up to 1,500 yards of a hung net.

12841. Do the boats own nets?—In some cases. In my own case they do not. I supply a net. Although

Chairman—continued.

I myself fished six or seven years in a boat as one of the crew, I at the present time own a boat and fish her on shore, something like Mr. Sweeney.

12842. You own only one?—Just one.

12843. And you go out occasionally?—I have done that occasionally. I have a crew now, and I don't go out. Our nets run from 800 yards to 1,500 yards, according to the size of the boat; that is for a hung net. A 1,500 yards net, when it is staked, does not hang 1,000 yards. In the ordinary way, when these nets are put together they take a third off, and we give about an inch or an inch and a half to every three meshes, which reduces it considerably. I think that a 1,500 yards net would not make more than 900 yards of a hung net, certainly not 1,000 yards. Well, we fish them in Portewart on the shores, four men in a boat. The owner provides the boat, sails, and everything, and pays the licence. For that he gets two shares, and the man gets one share each, and I need scarcely tell you it does not pay the owner, but we like to be fishing, even if we don't catch anything. In Lishness, I understand, they work on eight shares, some of them.

12844. What as the length of your season?—The length of our season would be, here (last year I think it was considerably earlier than usual, and I think it was the 11th or 12th of June, but I am not certain) our usual time runs any time from the 10th June to the 20th June for our starting time, and it lasts, roughly, from four to six weeks. We nearly always have to stop on the 13th of July, not on account of it being the 13th, but because it is not worth fishing with drift nets after that. We do fish an odd night, but we don't make much by it.

12845. We don't want to know what the profits are?—Oh, no.

12846. Where do your fish go to?—I wanted to tell you, sir, that during the time that we do fish, I would not like to say that we would only fish two hours, but we fish only five nights a week, that is, from 6 a.m. on Monday till 6 a.m. on Saturday morning. That is the time for fishing, we all put down the nets as far as we know; and the close time is from 6 a.m. on Saturday morning to 6 a.m. on Monday morning, and we can fish only five nights a week. We can only fish, or rather we can only catch fish if it is breezy; and if it is stormy we can't go outside at all; so that if it comes, during these five weeks, calm weather, our fishing is perfectly nil. The nights are short in June, and they run, roughly, from half-past ten or eleven o'clock till about one or half-past one. That is the extent of our night, the very longest, and we, of course, fish the five nights, so that, roughly, I would count the fishing fifteen to twenty hours per week provided we get breezy weather. If we don't get that, we can't fish.

12847. Have the tides anything to do with it?—Yes.

12848. Have you strong tides there?—Yes, and I would just like to make a remark in connection with the tides. If there is a strong tide, my experience with the fishing is this, that the fish won't mesh. Any fisherman who works like this will know that when the net is tight it is like a wire fence, and the fish striking it come off, and if it is slack, it can be too slack, and there is just a happy medium that we are not always able to hit at sea.

12849. What river is the nearest to the fishing grounds your nets are shot in?—The Bann.

12850. How far are you from the mouth of the river?—Two or three miles; three miles from the mouth.

12851. What distance from the shore do you fish?—I could not give you any stated distance. It depends on the tides. If there is an ebb tide, the tide there flows from the bar mouth towards Portrush. If it is a flood tide, it would take up to Magilligan way, so it is either east or west. But so far as the bar is concerned, we don't go near the bar, for the simple reason that we either lose our nets or get them put in a lump. Any man knows that if he puts his net there on the flood side it will be either torn to pieces or caught on the piers, and you must mend the net and take it in, and your fishing is over for that night.

12852. Can you say what a single boat would get, your best or any other?—Of course you know amongst

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Mr. W. A. FRANKLIN—continued.

[LONDON: 1912.]

Chairman—continued.

each other what the average takes are, and what would you say was the average take of salmon for this season per boat?—Well anything from 200 to 400 head of fish—about that. We often get very much less. We could not say that it was not a good salmon year because we did not get them, nor that it was a bad salmon year if we did get them. If we get the weather we will get the fish.

Dr. Mahaffy.

12853. What is the average size of the fish you catch?—6½ lbs. to 8 lbs.

12854. Not any bigger going up the Burn?—Oh, yes, you often get fish bigger, but our nets depend entirely on the mesh, and the mesh runs as near to the size of the medium gillie as possible.

12855. You don't get the big fish?—We do not. They go to the Burn. They would not mesh in our nets unless by accident. Then the depth of our nets runs to 35 or 45 or 60 feet. On calm nights the fish go below them.

Mr. Green.

12856. All your boats don't fish at sea, that is, they don't go long distances off, as they do from Dartmouth?—We don't know what you would call a long distance off, but we have to keep the boundary. If we had to go outside, we could not go at all, because the boats are not usually built for that. Our boats would be of no use for going out to sea.

12857. Mr. Overend.—What I understood you to say was that these nets run from 400 to 1,500 yards, and that they have lost 400 or 500 yards by shrinkage when being measured?—I don't know about that.

12858. You mean that hanging in the water the net will be 800 to 1,500 yards long?—It would be 1,500 yards of net hung. Anybody that knows about the working of a drift net knows that it doesn't just lie as straight as a rule at night. We could not keep more than 400 yards straight, and, though up to 1,500 yards long, it depends on whatever way the tide takes it, it never stands steady.

12859. If you had been fishing inside Ramore Head to the Burn mouth?—It all depends where you have the fishing.

12860. How far off the shore would you be?—We would be clear of all nets, all privately owned nets, and we are supposed to keep half a mile outside, but we keep more than a mile out from the Burn.

12861. I suppose you come in nearer than that?—Oh, no, there is not one of us that fish near the Burn.

12862. Did you not ever find the Burn mole—I suppose you did not catch there?—Never.

12863. How far would they run out into the river, the moles?—I could not say. I have heard it said they are a mile, but I suppose about half a mile.

Mr. Green.

12864. I suppose you only take a licence in the Coleraine district?—Yes, the Coleraine district. Some of the men have taken both east and west.

12865. That is Ballycastle?—Yes.

12866. Mr. Overend.—There is a big stream of water out of the Burn?—Yes.

12867. How far do you see this stream of fresh water out in the bay—would you see it six miles?—Our fishermen say four miles if there was a heavy fresh, and that was taken as a ground of aggregation for not going is too far and fishing is too near to the shore by the owner of the several fisheries there, Mr. O'Neill, and the excuse was that the fresh was out so far that the fish were able to get hold of the fresh and not drop down on the shore in the way they used there; and before these moles were put up at the mouth of the Burn it was planned on each side, and the fresh seemed to stray down on each side, and the fish coming caught hold of the fresh water. All along then it was like a river.

12868. Now they are talking of shooting there?—No, their net is 800 or 900 yards long, and if they shot a net there the net would be put in a lump.

12869. You could not fish one of those long nets in that place?—I don't think you could fish any net.

12870. Could you not fish a short net?—I don't know that you could fish any net in the fresh there.

12871. Mr. Overend.—Are not you one of the men that are against long nets?—I don't know that.

12872. Do you remember on one occasion when you gave evidence against a bye-law you said your suggestion was that nets should not increase beyond 1,000 yards, when speaking before the Committee in 1907?

12873.—I think that must have been taken up wrongly. 1907?—That was in Portrush on the 18th of June, 1907?—That was the only time I was ever examined. There is a mistake about the thing that I said there, and I would not like to have a net run to 1,500 yards if I wanted to make it pay. These nets are not as represented. They are not stretched out right across the Bay of Portrush. These nets are one behind the other, and we had seven nets last year in Portrush. I think there is not one single man that won't ask to blame the other for being shot on what they call the tide side of him, that is, if one man stands in-bow and shoots and another man stands outside him, shutting the other off.

Mr. Green.

12874. Which of these nets would get the most fish, the outside one or the inside one?—It all depends. They are both in the tide, but if there is a flood and there are combers, and if a lot of nets are shot when the tide is on the side the western nets have the best chance in the open sea. Well, as the sailor part of the year I say that we always look for the east side, that is when the fish are coming to the land.

12875. East to west?—Yes. My experience is that you will get fish going both east and west, both sides.

12876. Mr. Overend.—The nets now are a great deal longer than they used to be when you started?—Yes, I think they are, and the reason for that is that with the short nets formerly worked so men could make money.

12877. They used to have them years ago when we started?—Yes, we wrought with them between 200 and 300 yards.

12878. And will you tell me this: Are you the proud possessor of motor boats or motor trawlers down there?—No, I don't possess a motor boat, and I think none that have there are not very proud of them.

12879. Oh, they are big boats?—No, I want no motor boats.

12880. Are not they trawlers?—No. They do travel. The boat that I have now was considered, twenty years ago, a big boat, now it is only a small one.

12881. And the boats have got bigger along with the nets?—Yes, of course, on account of the scarcity of fish.

12882. Now, these motor trawlers take a hand at drift netting?—There is no such thing as motor trawlers. They are boats with moles in them, that put at this particular time fish with lines. When it comes on later they start and travel, they can travel along in shoal water; and then, later on, they use them for fishing their drift nets, and then, when the drift net fishing is over (that is one month or five weeks), they start at the trawling again.

Dr. Mahaffy.

12883. Do you catch any sea trout?—Very, very rarely. We might, an odd one, just one or two in the season, in all the boats.

12884. Is that on account of the size of mesh, or is it that the fish are not there?—I think it would be on account of the size of the mesh; in fact, the mesh is of a size which suits the smaller salmon.

12885. Mr. Overend.—How many motor boats are there down your way?—We have six or seven boats in a line fishing. In fact, now, without motor boats, they can do nothing on the coast at all, and this past winter is an example, because it has been very stormy for the men, and without moles the men could not fish at all.

12886. How much net would each boat be able to carry?—Anything from 1,000 yards up to 1,500 yards.

12887. Would they not carry more than that?—They might.

12888. Mr. O'Donnell.—In your evidence here I think you said that you had a fishery of your own?—Yes.

12889. Now, do I understand that you have a several fishery there?—Two.

12890. Can you tell the Committee here how do you find private fishing affected by these drift nets. Am

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MR. W. A. FIDELLIS—continued.

[Continued.]

they affected?—I don't think they are. Of course, they are affected in this way that any fish that I or any other person catches out at sea cannot possibly be caught inside.

12991. Mr. O'Donnell.—Catching it out there deprives you of it?—Well, it deprives me. My way of looking at it is this, that if a man puts out a drift net where I put a drift net, on the tide side of me, the man catches fish on the tide side, and, of course, I don't get them.

12992. Do you think that, even if they were not caught by the drift nets, it would improve the stock of salmon?—I do not.

12993. Would not you or somebody else be expected to catch them?—Certainly.

12994. It would not improve the stock of salmon in any case?—What I believe is that the fish are really killed on the spawning beds in the rivers, and that is where the harm is done primarily. There is no mistaking of fish in our nets. That is a imaginary thing. Our fish command the best market of any fish caught on this coast here. The only difficulty at Fowkestown is that we have no facilities for icing. People in Belfast will give us more for our fish than they will give for fish in the river here, because it is an understood thing that fish deteriorates in quality from the time it enters the river.

12995. Do you know the river Bean?—A good bit of it.

12996. Can you tell us what obstructions to salmon going up are in it?—Well, they have a net just three or four hundred yards inside the bar. I may be wrong in the number of yards.

Chairman.

12997. What sort of a net?—It is a drift net, right across the Bean, and then they have another at half-way from the entrance to the town of Coleraine, and the way I understand the drift is this, and I have seen them fishing. They shoot their nets and let them lie for half an hour or any reasonable time, and then before they draw the net they shoot another behind, both nets supposed to be ashore, and when they have drawn one that had him half an hour or so they do the same with the other one, and that goes on from Monday morning, at 6 o'clock, to Saturday, at 6 o'clock.

12998. Mr. O'Donnell.—And, of course, you would not say that that process which you have described would improve the stock in the river?—I would not.

Chairman.

12999. Do you say that the net is shot right across the river?—Yes.

13000. From bank to bank?—Yes, sir.

13001. Two nets from bank to bank?—One behind the other.

13002. You saw one shot?—Yes, and one behind.

13003. That is really two nets?—Yes.

13004. Mr. O'Donnell.—Is the Conservators' boat above there with you?—Occasionally.

13005. The Conservators have a boat running down there?—Yes, they have, but I think they only check licences.

13006. Does the Conservators' boat stop you in your fishing and demand your licence?—They do. I could not say that they have stopped us while we were actually fishing, but they have stopped us on the way to the fishing grounds.

13007. You have heard the suggestion that was made by learned Counsel that three miles would be a reasonable distance to put reefs?—Witness.—Off what?

13008. Off the land?—Witness.—Every point of land.

13009. That, as I understand, is the case, three miles off every point of land. What do you say to that?—I say it would be ridiculous as far as we fishermen are concerned. We could not fish outside three miles with the present boats.

MR. JAMES F. O'DONOVAN, examined.

Chairman.

13010. You live at Buncrana?—Yes.

13011. And have you been present here and listening to what was going on?—No, I have not.

13012. Are you engaged in this drift net industry?—To a very small extent.

12910. Mr. O'Donnell.—Suppose that there was an imaginary line drawn within which you were not to fish, as a practical fisherman, would you think it capable of being observed at all in the dark?—Well, you might in the daylight or if it was a bright night, but if it was foggy there would be no possibility of telling where you were.

12911. If it was prescribed that you should not fish within a line from Ramona to Inishowen Head (I think those are the two points), and that you should be outside that line, would it be possible on a dark night for you in your little boat to know when you were within that line or not?—Well, on the east side it might be possible, but it could not be probable. In fact I don't know how you could draw the line at all. That would be a matter of one man's evidence against another's.

Dr. Mahaffy.

12912. Now, you think that the drift net fishing does not materially interfere with the amount of salmon coming into the river?—No, sir, of course, we kill fish, but we don't mutilate the fish, and we don't do the fish generally any harm further than our fishing always takes away so many fish. We kill them in a legal way. Our nets are everything that is required, and we don't do them any harm.

12913-14. We have got a great deal of evidence on that subject, that there is a great decrease in the amount of cod and gillies. That they are disappearing out of the river, and it is ascribed to your fishing with the nets that they are disappearing out of the river?—Witness.—These small fish?—

12915. Yes?—Oh, we don't kill those small fish.

Chairman.

12916. We are talking about 7 lb. fish?—I don't see how that can be ascertained, sir, to drift nets if they are able to kill them, as they did last year wholesale, with lines, and in every way, and even to cart them away. At Upperlands and many other places, they left the fish off the sea when it is spawning. Killing our fish there is worse than killing all the fish we kill in the summer.

12917. Of course, it is a question of degree?—And we have the broad Atlantic to fish in, and the fish have every chance to escape with us, and there is no chance of escape, practically none, in the river.

12918. Mr. O'Donnell.—You cannot catch a fish bigger than eight pounds?—No; I said our meshes were made of a medium size so that they would catch the average size of gillies; and we have got bigger gillies, and we have caught them as low as 4 lb. or 4½ lb.

12919. It would be an odd thing to catch an 8 lb. fish?—Well, we have got them up to 20 lb., but, perhaps, only one in the season.

12920. Your mesh would stop the large fish and not catch them as a rule?—The large fish would not mesh.

12921. What about fishing in the weekly close time?—No, we are too well watched for that.

Dr. Mahaffy.

12922. You are too well watched?—No, sir, I don't say that.

12923. Mr. O'Donnell.—You would have no objection to the net being brought to its own part for the weekly close season?—Personally we could have no objection in Fowkestown, because we always bring our nets home, but I would have a great objection to a shortening of the nets, and a very strong objection to any such thing as a three miles' limit, because it seems to me that that is an outrageous thing.

12924. I suppose the net would only catch female fish?—It takes a very good judge to tell which is the female and which is the male; I cannot tell that myself.

Chairman—continued.

12925. To what extent are you engaged in it?—do you give out nets?—I do.

12926. How many?—Two or three trawls.

12927. And two or three boats?—Yes.

12928. How many men are in the boats?—Four men, and sometimes five.

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Mr. JAMES F. O'DONNELL—continued.

[LONDON, ENGLAND.]

Chairman—continued.

12932. Three boats?—Twelve men, yes.
12933. Do they invariably fish from Bursport?—They do.

12934. And what distance do they go out, do you know?—Well, it all depends on the weather, perhaps six miles in calm weather.

12935. I suppose if it is very rough they don't go out far?—Well, if it is very rough they don't go out beyond three miles.

12936. Upon what system do you give these men the net, is it upon the six share system?—No, the seven share system.

12937. Do you supply the boat?—Yes.

12938. And they get a share and you get two?—Yes.

12939. Now, can you tell me what is the average per boat for the season. We have had evidence that the season begins on the 10th of June and ends on the 25th of July. What would be the average your men take per boat?—Oh, I am sure, one with the other, that the value of the fish caught would not exceed, I should say, between £40 and £45, all told, that is, one with the other.

12940. Do you mean that the entire earnings of the boat for six weeks would be only £40?—Well, of course, some of the boat would exceed that, but there are many of the boats that do not catch that many fish.

12941. Do you mean for six weeks?—Yes, I have known boats which made £20 for the season.

12942. The men pay the licence?—They pay half the licence.

12943. Then the four men in the boat do not pay the licence between them?—No, I pay half.

12944. You pay one-half and they pay the other?—Yes.

12945. Taking £40 for six weeks, of course, you have computed how much they are to get on that?—I am supposed to get two-sevenths and they get five-sevenths.

12946. It would be another, would it not?—No, there are seven shares in the boat.

12947. Are there five men in the boat?—Well, as a rule, on stormy nights they can take five if they wish.

12948. Another system mentioned here was sixths, that was to say there were six shares, and the owner got two and the four men a share each. But you work by sevenths?—I work by sevenths.

12949. Well, £40 would only be £7 per week?—Yes.

12950. And five-sevenths of that amongst four men would not be a very great deal?—Well, you asked me the average and I said between £40 and £45 for all the boats fishing off the coast.

12951. Do you know the direction in which these men of yours fish, is it near the river mouth?—No. In my opinion the only destruction to the fish on our coast at Bursport is that those concerned in the fresh water fishing are catching them at the mouth of the river with driftnets.

12952. That is with what is described here as a bag net?—Yes, I think it is a very great injury to the salmon fishing industry.

12953. Have you seen that yourself, Mr. O'Donnell?—I have, sir.

12954. Tell us what happens?—They put out the net, making a drag, then close the fish in, and haul both ends ashore.

Mr. Green.

12955. It isn't a bag, but a drift net?—It is a drift net. They are haul ends, whereas with the drift net there is only one end used at sea.

Chairman.

12956. This drift net is shot on the tide?—Yes, it is.

12957. And one end is fastened?—One end is fastened on the shore.

12958. And the boat goes round?—The boat goes round over half a circle.

12959. And the bottom of the net is loaded with lead, of course?—Yes, it is.

12960. How far is it shot across, does it take in the entire mouth of the river?—Not in cases where the river is very wide, but in narrow places like Bursport it takes in the whole of the river, and it is shot as near to the shore as it possibly can go.

12961. You say you saw it yourself?—I did, sir. I saw it in the boat when they were using the net, but I have just seen it from the shore.

12962. And it is headed right round?—It is headed right round, and the fish have no chance of escaping whatsoever. If there is any fish there they take them all.

12963. That is if the net goes to the bottom?—The net goes to the bottom.

12964. And you think that that is a thing that is very much to be feared?—I think it is very injurious to the salmon fishing industry. One net does much more damage than twenty drift nets at sea.

Dr. Mahaffy.

12965. You have given us £45 as the value of the average take of salmon per boat, that is £7 or £8 per week. How many fish would it take to make a £1 note on the average? That is to say, how many fish does £40 mean?—Four fish to every £1, but, of course, it would mean 9d. per lb.

Chairman.

12966. It would be, a fish?—Something like that.

12967. Mr. O'Donnell.—You said those drift nets have led sinkers?—And so they have.

12968. So have drift nets?—Very little.

12969. They both have lead along the bottom to keep them down?—Yes.

12970. How long does the sweep of the drift net take, does it take 20 minutes when they shoot it out?—Oh, it will take more than 20 minutes.

12971. Do you think it would take two hours?—An hour fully.

Chairman.

12972. Of course, it depends on the time that they allowed it to be in the river before they began to draw it?—Yes. Of course they go about and chase the fish into it.

Mr. Green.

12973. And that is going on all day?—That is going on all day.

MR. WILLIAM WOODS, examined.

Chairman.

12974. Where do you belong to, Mr. Woods?—Merrif.

12975. Mr. O'Donnell.—For about how long have you been a fisherman?—Thirty-three years.

12976. You have been fishing a drift net?—Yes, sir.

12977. That is in the open sea outside the Lough?—Yes.

12978. Tell the Committee what time you fish, what season?—Well, my last season I started on 13th of June and I fished 19 nights, 19 altogether.

12979. What time do you shoot your nets at?—It is according to the class of the night. If it is dark you could shoot 10 or 15 minutes earlier, sometimes at ten o'clock, sometimes a quarter past ten.

12980. What time do you stop fishing?—We stop, in the beginning of the season, probably at one o'clock, unless the sky is very dark overhead.

12981. Mr. O'Donnell.—How many times at night, on the average, would you shoot your net and draw it again?—Once in the night.

12982. So that you would not have your net fishing two hours continuously?—No; one end of her might be the tail end of the net.

12983. How many nights during the season do you think you would lose by storms and by calm, for we know that if it was calm you could not fish that night?—Well, as to losing a night's fishing, I was drift net fishing last season, and it was in calm most week, and I never started fishing after it. I never went out at all.

12984. How many nights would you lose in the season by calm and storms, that you could not fish?—Some seasons you might lose fishing all the time. Last season it was breezy up to the time I am speaking of, and then fell away dead calm altogether.

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MR. WILLIAM WHELAN—continued.

[LONDONPORT.]

12985. Mr. O'Donnell.—Would you take eight nights of the thirty that you would be out as a fair average of the time lost, taking one season with another?—Yes, I am sure I would lose only eight nights taking one season with the other. There are some seasons that are pretty nearly all calm weather.

12986. How many men are in your boat?—Four.

12987. What is the value of your catch for an average season?—Well, up to three years ago, the average would be about £20; and for the last three years it has been over £20.

12988. Is that the average amount?—Yes, the last year has been fairly good.

Dr. Mahaffy.

12989. Higher than £20?—Last year I made £165 and more.

12990. Mr. O'Donnell.—You pay the licence duty?—Yes.

12991. And provide the nets?—And the nets.

12992. And provide the boat?—Yes.

12993. Now, you have heard it suggested that you should be put out three miles. What would happen in such a case?—For my part I would knock it up altogether, and sell my net to you, Mr. McDermott, or make a bundle of it altogether.

Chairman.

12994. It was Counsel who suggested that?—There are different reasons for it. There are the tides. The tides don't suit all the time, they are too strong and too heavy, and our nets, in a strong tide, are not fishing anything, they are swept on, and they double up, and when we get them on board we find them in the opposite way to what we thought they were, and sometimes they are in lumps, and we never see how our nets lie. And another reason is the dogfish. If we go off too far we may lose our net totally with dogfish.

Dr. Mahaffy.

12995. How is that?—They chew the nets. Anywhere east of Kinshaven Head and out west you are liable to fall in with dogfish.

12996. Mr. O'Donnell.—This fishing is only carried on at a time when there is very little other profitable fishing going on?—All other fishing is done at the time.

12997. And this comes in just to give you an opportunity?—Yes, to give an opportunity.

12998. How many families are engaged in this industry altogether?—I could not give the amount entirely, but I can give you the number of men. There are about 150 men.

12999. From Morville to Greenacres?—Yes.

13000. That would be 40 families, I suppose?—Yes. It is about five miles from Morville to Kinshaven Head.

Dr. Mahaffy.

13001. Are the people that work for you people that fish otherwise, for you have heard some of them are farmers?—We generally like to get a fisherman, because I want to fish in bad weather, and I want to get a fisherman.

13002. Mr. O'Donnell.—A great many of them, although you call them fishermen, have little patches of land?—Oh, yes.

13003. It is a congested district all round there, and I think you gave evidence before at one time there?—Yes.

13004. Did you not offer to the Forde and Benn people to give up drift net fishing if they would allow you inside the Lough?—Yes, I would not ask to go out.

13005. Are you prepared to do that yet?—Yes, and to give them a larger licence and half of the net, and I am quite willing to do it at any time.

13006. Have the drift net fishers any representation on the Board of Conservators at all?—No, none. There was one, John McDermott, and I don't know whether he is in it or not.

13007. But they have no representation on the Derry Board?—No, not unless this John McDermott.

13008. Now, does the Conservators' boat, or the Forde and Benn Company's boat (for it is hard to distinguish between them) go down there when you are fishing?—

Yes, but we never have any trouble as regards that. Years ago we used to be annoyed with them going through the nets and cutting them up, but not lately.

13009. Mr. O'Donnell.—They don't annoy you so much lately?—No.

13010. At the previous inquiry evidence was given that the drift nets were actually cut by these boats going through them.

Chairman.

13011. But when you shoot your nets, you don't come in to the shore till you lift them?—Oh, no, sir, we lie to the left net. We have a rope attached to the end of the net, and I have a buoy on the end of the net and always keep my eye on the buoy and keep my swing in my hand.

13012. I do think they should have power to see the boats and see everything there, but they should not run through the nets?—No, but you would not see them till you would be right through them. I went through them myself.

13013. Mr. O'Donnell.—Would it be possible for you to observe any line such as has been suggested—you have to observe a line at the present time?—Yes, that is at Doonmagilly and Maggilligan Point.

13014. You cannot fish within a couple of miles of that?—It is according to how we find the tide. If the tide is coming west you can get pretty close to the line, but if it is going east, you could not, then if you are drifting the south channel, I always take up my net up the shore.

13015. The tide would pull you over?—Yes, and you have your net to contend with as well as the tide, and you see never sail.

Mr. Green.

13016. Can you clear the net when it is doubled?—No, sir, we bend the net always, because the net may be doubled up again and it has been repeatedly, and you are losing by it, and, perhaps, she won't lie half on both there before she is doubled up.

13017. How often do you haul it and shoot it in the night as a rule?—Once. It will be about an hour. On a calm night we heard quicker than on a breezy night.

Dr. Mahaffy.

13018. You say you made £165 last season. That was divided between you in the usual way, I suppose?—Seven shares.

13019. That was the whole outcome of it?—Yes.

13020. Mr. O'Donnell.—Was that amongst the usual number?—The men had to get their share out of it.

13021. Do you pay your net homestead?—Oh, yes, I pay my net licence myself.

13022. Then that has to come out of it?—Yes.

13023. When you are fishing out there the fish can go over or under your net?—Well, they can, and round the net. I have seen them repeatedly on calm nights go right round it and not one in the net. We might as well be, in fact, lying in our bed.

Dr. Mahaffy.

13024. But they don't swim under the net, they don't swim deep?—Oh, yes, they do. In strong tides they go down. In a strong tide the fish sink. That is how we cannot sleep, for they—

Mr. Green.

13025. Your net is over eight feet deep?—Once in fourteen.

13026. What is the reason that you have this much deeper than the nets used out at sea?—They have come to find out, perhaps, that they can do with less twine.

13027. Do you find that you catch the fish in the upper part or in the bottom part of the net mostly?—In these tides we get them near the bottom of the net.

13028. And you conclude that a lot of the fish in heavy tides go under the net?—Yes, and I can get two or three or half-a-dozen fish in a strong tide when I would be expecting to get a dozen and a-half.

13029. Mr. O'Donnell.—What chance has a fish in a strong tide to go up past those drift nets compared with passing your net at sea?—Not much.

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MR. WILLIAM WHELAN—continued.

[LONDONDERRY.]

13030. Mr. Overend.—Have you ever seen a draft net?—Before you were born.

13031. Do you know how many draft nets are taken in the Bann or the Foyle?—No, I don't know much about Derry Bridge.

13032. Do you still make this offer to give up drift net fishing outside if they allow you inside the Lough?—Yes, I am quite agreeable to do it. It would save a lot of labour, and I would make more money.

13033. Do you remember giving evidence at Carradough in 1906?—Yes.

13034. Didn't you say the principal fishing ground was three miles above the Foyle mouth?—I said it was my own principal ground. Every man has his own opinion. What do you call the Foyle mouth? From Magilligan? No, I know times I fished quite near to it, but every man acts according to the best of his opinion; but there are other men who make a habit of fishing there.

13035. You don't?—Not so often. There are times that you could fish there when you can't go off to sea.

13036. Where do you fish now?—I fish anywhere, from the east of the Tuna Bury down to the line of Magilligan.

13037. Is that the boundary of the district?—Yes, that is the boundary.

13038. Is that where your licence ends?—Yes.

13039. And if you went beyond that you would be in the Coleraine district?—Yes, certainly I would.

13040. You say you have seen fish go round the net on a calm night?—Yes, I have, repeatedly.

13041. You have also said that on a calm night you saw no use in fishing, that you could not fish at all?—No, because the fish are motionless. Every weather makes them go on lively.

13042. How long is the net you use?—These last two years about 1,200 yards.

13043. In Carradough you said it was 1,000 or 1,500 yards?—Well, that was a rough guess. I had not then measured it, but I have measured it this time.

13044. And you find it is 1,200 yards?—Yes.

13045. And you have been fishing for thirty-three years?—Yes.

13046. And I suppose you started with very short nets?—Not very short. The net I started with was 600 yards.

13047. At any rate the nets were not half the length they are now?—No.

13048. And not half as many as they are now?—No. Some men fished big nets in those days. I hadn't a big net then.

13049. What is the depth of water where you are fishing?—Sometimes we fish in three fathoms, sometimes we fish deep, not very often.

13050. I suppose it would not be usually deeper than eight fathoms?—Well, about eight would be the general run.

13051. You stated in the petition to the Council that it was between two and eight fathoms you fished?—Yes.

13052. Are you sure your net is not more than 14 feet deep, isn't it 16 feet?—I am positive it is not.

13053. Is it 18?—No.

13054. You don't think it more than 14?—No.

13055. Some are deeper than that?—Yes, they were deeper sometime ago than they are at present.

13056. What is the cost of one of these nets you use?—It costs you more than it did Mr. Sayce apparently?—Oh, yes, I am certain it would. My twine costs is 7½d per lb.

13057. Tell me how much it would cost you?—It costs me up to £20, fully that; I dare say it would cost me more, as I have got my own work to consider after that.

13058. You said you make £20 a year?—On the average about that.

13059. And that £20 for the net and the £20 that you made would be £40?—No, that is altogether.

13060. You have to supply nets every year?—You would have to replace them every year.

13061. Mr. Overend.—So that years you would be making £80 you would have to buy nets or repay them?—Well, you are keeping yourself in employment. There are years that I haven't made the licence.

13062. Are there many of these?—Well, not latterly. The last three years have been very good.

13063. But before that?—Well, we have had good years and bad years before that.

13064. Do you not own a boat?—Oh, yes, I own a boat and it will work for twelve or thirteen years with proper care.

13065. How much do you consider it would cost you a year for the boat—£5 or £8 a year?—Oh, no, the boat is good for about fifteen years.

13066. Is it seven shares you work with?—Yes.

13067. Then a share would be about £4 10s.?—Yes.

13068. You got two of them?—I got four. I have three shares for the net and a share for myself.

13069. So you only got £14 or £15 altogether of the £80 a year?—Yes.

13070. And you would pay £30 for a net?—But I don't say I get a new net every year. I say I get it thoroughly repaired every year. I have to give £10 a year.

13071. But you would make no profit?—Well, there are other years I do.

13072. And this year you fished for four weeks five nights a week. You fished nineteen nights?—Nineteen nights.

13073. Mr. O'Donnell.—Mr. Overend examined you as regards this net. Do you mean to say that it fishes 14 a night?—No, 15 feet deep.

13074. Very well, how much does it fish?—The stronger the tide the less it fishes.

13075. So that has to be taken into account?—I am counting that.

13076. The net is 14 feet deep?—Yes; if there was a strong tide she would not be more than 7 or 8 feet.

13077. This is where you fish, outside here (indicates on map)?—Yes.

13078. And this is Lough Foyle, this is all salt water?—Yes. Culmeice is the start of the river.

13079. So you have all that distance there, twelve or fourteen miles, that the fish have to go up Lough Foyle before they reach the bridge or the river?—Yes.

13080. Mr. Overend.—Now, with reference to the last answer to Mr. O'Donnell, the limit of the Society's fishery is at Magilligan?—Yes.

Chairman.

13081. The limit of the several fishery?—Yes.

13082. Mr. Overend.—That is down at the mouth of Lough Foyle?—Yes.

13083. You cannot fish in there?—No.

13084. That is where you would want to go?—That is where I would want to go if you would take the licence from them.

13085. How far from that do you fish?—I have not fished there for years.

13086. How far from the line to Magilligan do you fish?—Some nights, with a breeze, I might fish, perhaps, in a mile from it.

13087. And how far other nights?—My principal fishing ground is out in the middle of the bay.

Chairman.

13088. Seldom nearer than a mile from Magilligan?—Very seldom, but there are other boats that do fish that ground that have not good crews and cannot go to sea.

13089. They are landmen?—Well, they are trying to make a living, sir.

13090. Mr. Overend.—It is not three-quarters of a mile to Magilligan?—Well, I should think it is.

13091. 1,225 yards, to be accurate.

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MR. PATRICK HARRIST, examined.

[LONDON.]

13098. Mr. O'Donnell.—Are you a fisherman?—Yes.
 13099. Where do you fish?—Out of Downings Bay.
 13100. How many are in your boat?—Three and myself.

13101. In the boat yours?—No.
 13102. How are the shares divided there, what are the divisions?—We get 4 and the Downal Fishing Co. get 5.

13103. What length, usually, are your nets?—Well, about 1,500 yards, I think.

Chairman.

13104. What size is your boat?—She is about 27 feet over stern and about 8 feet beam.

13105. Able to go out from Downings in nearly all weathers?—Sometimes we won't go out.

13106. How far out do you go?—I think about seven or eight miles from the limited boundary.

13107. Mr. O'Donnell.—How much do you usually make, how much is your share, on the average?—I never have been very lucky at it.

13108. Can you give us an idea?—Oh, well, for last year it was something about £47 gross.

13109. And then the company and the other three men and yourself had to get shares?—Yes.

Dr. Makgoff.

13110. But then you had the sport?—Well, it wasn't very comfortable sport, sir.

13111. Mr. O'Donnell.—You are not in it for sport?—No, for hard work.

13112. For making a living?—Yes.

13113. About your district there, are there many families depending on this industry they are carrying on?—Oh, yes, there are a good few.

13114. Can you not give us an idea of the number of families that are interested in the salmon fishing industry?—I am sure there would be 50 families at the very least.

MR. ROBERT BACON, examined.

Chairman.

13121. Where do you reside?—Portstewart.

13122. Now, are you engaged in this industry?—Yes.

13123. Do you fish yourself?—Yes, I have been brought up with it from 12 years of age.

13124. Have you a number of boats or only one?—Well, I have had a drift boat and a net for salmon.

13125. And the boat is yours?—Yes, and the net mine.

13126. You employ a crew?—Yes, I employ a crew and some of my sons and a strange man.

13127. You have heard the evidence given as regards Portstewart, have you not?—Yes.

13128. Will you tell us anything that strikes you with regard to that?—Well, there is nothing that I could enlighten you on. Mr. Pringle and Mr. Webster have given you any information, and I can give you nothing further.

13129. And as regards the meshes?—40 meshes, 5½ inch meshes, you might reckon it.

13130. It is not the absolute depth of the net as it hangs when it is out of the water, but it is the depth to which the net hangs when it is shot?—Yes. As regards the fresh water of the Bann, for instance, if you were out there you would get it about seven miles due north of our place, the Bann water, and if there was a net in it she would just be on the top of the water and the main tide below. The fresh is on the top, and the current is on the top, and the main tides below would be going contrary to the river, so the nets are surface nets, and it would be like a sheet of water that you would get the fish in. And their nets are 1,200 to 1,500 yards, according to the size of the boat, and we might have them up to the size of this Courthouse run in lumps with us, according to the tides, just as hard as we put them out sometimes.

13131. Has there been some change at the mouth of the Bann as regards the running of the fresh out?—Well, it appears it has been there for the last 50 years.

13132. So that there is no change for the last 50 years?—None. There can be none, because it depends on the season. Last summer was a dry season, and the fresh might not go out any great distance, but, when it comes

13109. Mr. O'Donnell.—Round your district?—Yes.
 13110. And am I right in saying that you consider that there are difficulties enough to entry on this industry as it is?—Plenty.

13111. Do you think that taking you out another three miles, where any foreigner can come, and making you compete with motor boats or any other sort of foreign travel, would help to make things better for you, and that you would have better luck?—No, I don't think it.

Dr. Makgoff.

13112. What do you do the rest of the year, when you are not drift net fishing—have you a farm?—A very small one.

13113. And you cultivate it?—Well, I am cultivating it for my father. It is not my property.

Chairman.

13114. And that is what you do the rest of the time?—Well, I am doing other work also as regards fishing.

Mr. Green.

13115. Are there a number of those boats from Maleny Bay?—Yes, a number from Maleny Bay and Downings.

13116. You are from Downings?—Yes.

13117. Where is your farm?—At Downings.

13118. Mr. O'Donnell.—Don't you fish practically all the season round?—Well I used to be a herring fisherman, but since it has failed I was unable to follow it. I was not able to make anything of it.

13119. And do you fish for haddock or any other thing?—Yes.

13120. That comes in at a time when there is no other fishing?—Yes.

Chairman—continued.

on a wet season, the more fresh water is coming down the further it extends. In winter the fresh water would be seven and eight miles, and it meets the main tide, and the main tide holds it till it gets slack, and there is no knowing where the Bann tide goes.

Mr. Green.

13123. Would salmon entering the Bann come from the north-east or west?—We don't know. I don't know from my experience what class of salmon. We generally shoot out nets from north to south.

Dr. Makgoff.

13124. And you say the fish are going both ways?—Well, we get them on both sides of our nets, surely.

Chairman.

13125. Because the nets change?—Well, of course, naturally we go out on the east side, but we all want to be on the same line often.

13126. How do you manage when several boats are out in the shooting of the nets?—Well, we find the easiest net to have a better shot, because some men might go away, and others would think they were not going to come back again if there is a bad night, and some of the in-shore men might not want to venture out as far as others. You will not get all men of the same opinion. Some would like to be off the shore, and some might be more venturesome and go out, but we try to manage amongst ourselves, at best we can, to give as clear a berth as possible.

13127. You have to agree as much as possible?—Just to agree, and perhaps we might try to let each man make every advantage of his net.

13128. But you had to keep a little clear of each other?—Oh, we do, we keep as far as it is possible for us to go.

13129. Mr. O'Donnell.—You would not approve of 20 or 30 of you fishing all in a row?—We generally lead the fish on a track, and we all want to be on that track if possible.

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Mr. ROBERT BACON—continued.

[Continued.]

13140. Mr. Overend.—That is, in a row?—Yes.

13141. I thought you said you kept as far from each other as possible?—So we do.

13142. Do you mean between the nets, or from net to net?—Do you see that wall (pointing to wall of Greenhouse), that would be a net there, and that other wall would be another net there. We are all nearly on the same line.

13143. And you would be within 20 and 30 feet of each other?—Sometimes within half a mile of one another. Half a mile on sea is not very far.

13144. Do you see the Beam mouth on the map there (was handed to witness)?—Yes.

13145. Now, taking the Beam mouth, is it between that and Portstewart that you fish your nets, or do you go further out?—Aye, we would be inside this line.

13146. And you would go outside that line at times?—Yes, at times we would. Do you know the distance that line is there from our place?

13147. Between half and three-quarters of a mile?—Yes, it is outside the steam lewiers' head.

13148. How long are your nets?—1,200 to 1,500 yards.

13149. They are getting bigger, then?—No.

13150. You were at Portrush on the 18th of June, 1906?—Yes.

13151. And you owned your nets were 800 yards long?—Yes.

13152. And now they are 1,200 to 1,500?—Yes.

13153. Then they are getting longer?—Surely we are learning every day. You don't want us to stand still.

13154. Are you not one of the owners of these boats?—Well, the boat I use is 24 feet in the keel and 8½ feet in the beam.

13155. And she only takes to the drift net when she

is not taking a load at the towing or has draught of fishing?—She does nothing but drift.

13156. Mr. Overend.—And are you getting another motor boat?—I don't fish a motor boat except a long line. That boat I am talking about would not carry an engine. She is far too small for an engine.

13157. These motor boats are considerably bigger than that boat you have been talking us about?—She is two feet longer in the keel, but I don't fish a motor boat except it is a long line fishing.

13158. There are just two starting out there. Is that right?—Just two to my knowledge.

13159. Are not there four now ones?—There is just one there, but that Portrush boat I don't know anything about.

13160. Aren't there more at Portstewart?—There are two boats out at Portstewart, and my brother owns one of them and Mr. Shaw owns the other.

13161. You don't know those motor boats Mr. Friselle was talking about? Witness.—Is it salmon boats you are talking of?

13162. Yes?—Two at the salmon.

13163. Mr. O'Donnell.—Do you fish any motor boats for salmon?—No.

13164. Mr. Overend.—40 mesh 5½ inch?—Yes.

13165. That is something over 16 feet deep?—Yes, that is at the full stretch.

Dr. Mahaffy.

13166. You fish with long lines?—Yes, sir.

13167. Did you ever see a salmon in those long lines in your life?—Oh, no, never. Never knew it. Never knew a salmon as a trawling net or any slant of net except the drift mesh.

Mr. JOHN CAVENAGE, examined.

Chairman.

13168. Where do you come from, Mr. Cavenage?—Greenacrie.

13169. You have been here listening to the evidence given?—Yes, since the opening of the meeting.

13170. We would like to hear anything you have to say that you think would help us in our inquiry and give us information?—Well, I don't fish myself, but I own a few nets.

13171. How many?—Sixteen we fished last year.

13172. Sixteen nets and sixteen boats?—No, all the boats were not mine. There are some men who have herring boats, and they get a net from me or anybody else, and they let me have a certain share, perhaps two, and I always help them, but I don't fish a boat myself. I have no net at all like the ones you have heard of.

13173. 1,500 yards?—The longest net is 410 fathoms.

13174. That is over 800 yards?—625. Then all the others, except that one, are under 400 fathoms, and as low as 350 fathoms.

13175. Are the men that are fishing your nets fishermen all the year round or farmers?—Oh, no, they are not all.

13176. They are landmen?—A great many of them have a little bit of land, and there are others who have no land, and are entirely depending on fishing and going to sea.

13177. When they go away, what fishing do they engage in?—They go to sea, and there are some of the younger men connected with the Naval Reserve, and some of them are away from amongst us for six weeks.

Dr. Mahaffy.

13178. What part of the water do you fish?—Greenacrie, and I can fish seawards to Malin Head.

13179. Do you fish at Magilligan Point?—For some years we have kept ground there, the military take Magilligan Sound altogether for some years, and, when practising, they put up danger buoys.

13180. A few salmon get into Lough Foyle that way?—Oh, yes, but we pay them for the right to fish.

Chairman.

13181. As regards the danger zones there, that does not affect you between 9 o'clock at night and 4 in

Chairman—continued.

the morning?—Yes, but the buoys there are stationary, and the men cannot put out a net, as they might be caught away.

13182. By the danger buoys?—The danger buoys. There can be no fish fishing done for a mile on the east side from Magilligan Point, and then, on the north side, we can fish from Greenacrie seawards.

Dr. Mahaffy.

13183. Your season is usually six weeks?—I took a note since the Court opened to-day. In 1910 we thought we were going to have a good season, and catch them all in that season if possible, but two boats started out on the 9th of June. One got one and another got another, one on the 18th of June and the other on the 24th.

13184. Were these all got outside?—Yes, they were. In 1911 the fishing began without a stop from the 13th of June, and they got 18 in the first week, that is, in 1911. I averaged the fish of 1910, I bought fish as well as caught fish, I had 16 boats fishing, and I got fish from men with boats of their own, and the average weight of the fish was 4½ lbs. Last year they were rather better, between 6½ and 7 lbs. I may mention a very peculiar thing last year. We had two cases of salmon there in no doubt about that. We had some short thick fellows, and another race had a head as long as my hand, and we wondered were those Irish or Scotch.

13185. Had you seen that before?—It came firstly before me in 1911. It was a strange mixture, the head was very much shorter in one set than in the long-headed ones.

Mr. Green.

13186. Were they all peal, had they forked tails or squared tails?—I won't say positively about the tails, but I took great notice of the different shapes of the head.

Chairman.

13187. Were they all of the same weight, the same age?—I could not say that; I have been trying all my life to know what the age of a fish of 7 lbs. is, and I have not met one to say what age it is.

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MR. JOSH CAVANAGH—continued.

[LONDONDOBT.

Chairman—continued.

13188. But you know what Mr. Green has asked you about the formation of the tails—the grille has a split tail and the salmon has a square tail?—Yes, well I did not take notice of the tail so much.

Dr. Mahaffy.

13189. Of course, if you fished carefully enough you will stop all fish coming into Lough Foyle?—There is very little fishing done there. On the whole if they would start to fish they would be a mile away, and I may tell you that before they would have their net fishing on the flood tide they would have to go two miles beyond the boundary before they could start, and they would have to beat round lest they would cross the boundary line where it is set between Inishowen Head and Magilligan Point. Those are the boundaries to us, and you, gentlemen, are aware that it is nearly twenty miles from that to the mouth of the river, so we are very far away from the river Foyle.

13190. You could stop anything from going into it?—I was very glad to hear from the last witness, Mr. Webber, the suggestion that he made, and I would fall in with his views. We will leave the open sea to other fishermen, and we will work inside and pay the money and be satisfied.

Mr. Green.

13191. Was not drift netting going on there long before this new development took place, drift net fishing where you are?—It is going on as long as I remember.

13192. This new development of fishing on the north coast is of yesterday, but your fishing is quite an old affair?—It is in what is called the North Channel, and I think we have a grievance too. There is a considerable population interested in fishing in Inishowen, a very considerable population, and yet we are not represented on the Board of Conservators. Now, I myself was proposed by the fishermen at the last election against the nominee of the Company, and we were put out by the Company's own man.

Chairman.

13193. Had they proxies?—We were defeated, and we took our defeat as only for the time, and we hope to be back in the field again.

MR. MICHAEL HAROLD, examined.

Chairman.

13210. Where do you live?—Morville.
13211. Did you hear the last witness?—Yes.
13212. Can you add anything to what he said?—There is one thing that he said there that I would not agree with.

13213. Let us hear what it is?—We are getting just as many fish now as before the nets started to the westward. We are getting as many now, and even more than before they started.

13214. Are you one of the men that go fairly far out?—I don't fish any, but I supply boats and nets to the fishermen.

13215. How many boats and nets have you?—Last year we had 42 nets.

13216. And 42 boats?—No, only 18 boats.
13217. The men had boats of their own?—Yes, the men had boats of their own.

13218. And how many years had you experience of them?—About 15 years, I daresay.

13219. And your evidence is that the fishing now is as good in your area as it was 11 years ago?—Yes, every bit.

13220. There have been ups and downs in the season?—Ups and downs in the season.

13221. But the fishing has been pretty much the same?—Pretty much the same.

Chairman.

13231. You have been here while evidence was being given by different witnesses?—While part of it was being given.

13232. You are engaged in this industry?—Yes.

Mr. Green.

13194. Now, you had been fishing here for 30 or 40 years?—Oh, quite that.

13195. With drift nets?—Yes.

13196. And this recent development on the north coast has grown within the last ten years?—I don't know anything about that.

13197. Have you noticed any change in the catch of fish in your drift nets since that development took place on the north coast?—We just have some very poor seasons and some better ones, but I would say that the last three years have been better than a number of years.

13198. Was the fishing 30 years ago better than it is now?—Now, I have heard of them 30 years ago catching 100 fish, and I have not heard that since. The best catch last year was 45 for one boat, and we had others out for the whole season, and not much more than that for the whole.

13199. Could not you give us any evidence of what it was 30 years ago?—I had no interest in it till the last six years. I knew what fishing was doing, but we had no occasion to keep any record till these last six years.

Dr. Mahaffy.

13200. Is there any trout fishing at Inishowen?—No, sir, none that I am aware of.

13201. No line fishing?—Oh, no line.

13202. Nothing at all to any extent?—No, not where we live. There is line fishing, but it is between here and Morville, but there is some down our end of Inishowen.

13203. Mr. Overend—You are a merchant in a large way of business?—I am in business.

13204. And you were in Dublin at the hearing of this session?—I was.

13205. And in the Master of the Rolls' Court?—Yes.

13206. And you heard the evidence that was given about the fishing that took place in the North Channel?—Yes.

13207. And you were not called?—No.

13208. And you did not contradict that evidence?—We were satisfied there was very little need.

13209. Mr. O'Donnell—But it was held that there was no obstruction.

Chairman—continued.

13222. What was the average last season?—About 3 to 10 fish per boat per night.

13223. And what was that in money, was it 9d. per lb.?—Well, sometimes a little less, sometimes a little more.

13224. Where have you had your boats fishing?—Well, they have been fishing from Magilligan Bay to Derry Head.

13225. Right the whole way?—Yes, right round the whole coast.

13226. Mr. O'Donnell—Your boats fish in the Letterkenney and Derry districts, both?—Yes, both districts.

Dr. Mahaffy.

13227. And all those boats have the same season from the 10th June on?—Just the same season.

Mr. Green.

13228. Is there any change in the time of the coming of the fish at all?—Some years they don't come as early as others, they come later than others.

13229. Mr. Overend—Your net was seized last year, or a net belonging to you, when you were in the boat?—No.

13230. Fishing in the weekly close time?—No.

Chairman—continued.

13233. Do you own nets and boats?—Yes.

13234. How many?—At Malin Head 25 nets and 12 to 14 boats. I have come quite unprepared to give evidence.

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MR. PATRICK DONOVAN—continued.

[LAWSONGTON.]

Chairman—continued.

13235. It is not a very formidable business. You have heard what was going on, and you might give us in your own words anything that it strikes you might be useful to us in the way of information. What class of people are engaged in your boats, are they fishers all the year round?—About twenty are.

13236. And they were nothing but fishermen the whole year round?—Literally they go across to Scotland and find employment as boat they can.

13237. What fishing did they formerly engage in all the year round?—Primarily ling fishing.

13238. That was not bad, and why did they go away?—They cannot get the fish, the fish are not on the grounds.

13239. These men, who are latently labourers, fish in your boats?—Yes.

13240. They take a turn of four or five weeks?—Yes.

13241. What sort of a season was last season?—A fairly good average season, pretty good.

13242. Can you give us the average per boat of yours for last year?—No, sir, I could not.

13243. Could you give us the catch of any one boat?—I say that my boats would run from about 60 to 800 fish for the season.

13244. Was there so great an average as that?—Yes.

13245. Did that depend on the particular place the nets were shot, or was it all chance?—No, we attribute

good catches to the fishermen themselves. They are better workers.

13246. I suppose where there is a run of fish, if there were 40 or 50 boats, there would be other boats as well as yours?—Yes.

13247. How many altogether?—My boats about Malin Head would be 30 or 40 last season.

13248. How many had you yourself?—Twenty-five.

13249. Then there would be about 40 altogether?—Oh, fully, yes.

13250. There would be difficulty in getting into the best position for a run of fish?—Well, the men have different places of their own, favourite spots to go to.

Mr. Green.

13251. Would they fish off Inishnah?—Yes, certainly.

13252. And about Gervin Island?—Yes.

13253. And do they fish outside?—The men don't like going so far. The boats are too small for their size.

Dr. Makey.

13254. I suppose they land at Malin Head?—Yes.

13255. How do you get the fish conveyed from that?—Carried to the nearest railway station, twelve miles to Glenties.

MR. JOHN CAVANAGH, recalled.

13256. Witness.—There is one thing I forget that I intended to say. It has been stated here that fish that are caught by drift nets are injured, and I've heard that observation before, and I brought it under the notice of two important subcommittees in Manchester and Liverpool, and they laughed at me, and I will give you the names of the subcommittees if it is necessary.

13257. Mr. O'Donnell.—You have Mr. Boyer's evidence that drift net fish bring as much in the London market as the other fish.

MR. EDWARD GRIBBS, examined.

13258. Mr. O'Donnell.—You are an agent of the Irish Fishery Company?—Yes, at Malroy.

Chairman.

13259. How many boats are fishing from that point?—About 15 or 16.

13260. And you have heard the evidence here about the number of men engaged in the drift net fishing?—Yes.

13261. Is that substantially correct, four men to a boat?—Yes, that is quite right.

13262. And the seasons are the same?—Yes.

13263. Can you give us an idea of what is the average catch per boat?—About 425 or 445.

13264. For the whole season?—For the whole season.

13265. How far out from the shore do they fish?—Sometimes three miles, sometimes four miles, according to the weather.

13266. Are they able to fish every night?—Of course on a stormy night they cannot. The boats are open

Chairman—continued.

boats, and on a stormy night they can't go out on account of the bad weather.

Mr. Green.

13267. Where do you fish?—Off Malin Head.

Dr. Makey.

13268. I suppose salmon would not come into Malin Bay?—No.

13269. Do you go up to Tory Head?—Oh, not quite in that direction, but off Malin Head and Horn Head.

13270. Mr. Overend.—How many boats have you?—15 or 16.

Mr. Green.

13271. How far off do the boats fish?—I think about three miles off the Head.

MR. THOMAS McDONOVAN, examined.

13272. Mr. Overend.—I will now call Mr. McDermott. Witness.—I wish to make an explanation before I go into my evidence. One of the witnesses, Mr. Prieble, said that I told him at the meeting of the Conservators of Coleraine, that he had no right to attend the sitting of the Committee in Londonderry last July. I wish to say that neither then nor at any time did I say that.

Chairman.

13273. We don't mind that. We are glad to have you here, Witness.—Nor did I hear Mr. English saying anything of the kind.

Mr. Prieble.—I got notice and attended the meeting of the Committee of the Conservators and the Boat Company. I was called up by some of the Conservators for illegal fishing. Unfortunately for the Conservators,

or whenever brought the case under their notice, they were not able to sustain it, and then it went as far as the Fishery Commissioners in Dublin, and the Fishery Commissioners wrote me a very nice letter without saying that I had done anything wrong, but they hoped I would not do anything further. At that meeting I asked would the drift net fishers be represented, because, although I have a small several fishery, my heart is more with the drift net fishing, and Mr. McDermott, who is a very great friend of mine, said "Oh it does not affect you a bit. It is to measure the yards and miles of all fisheries and the spawning beds in them," said Mr. English nodded, and he said "It doesn't matter," and consequently I said nothing, and I thought that I had a grievance when I read in the paper the evidence given before this Committee. It was in consequence of what was said to me at Coleraine that I did not attend that inquiry.

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Mr. THOMAS McDONNELL—continued.

[LONDON: HERR.

Chairman.

That does not affect us now, because if there was any shortcoming we fill it up now by being here, and you are here.

Mr. Priebe.—I am satisfied.

13275. Mr. Overend (to Witness).—You are the manager of the Bann and Foyle Fishery Company?—Yes.

13276. Who are the lessees of the Irish Society?—Yes.

13277. And their fishing rights extend from a line across the mouth of Lough Foyle, at Magilligan, up to the river Foyle and its tributaries?—Yes, to Lifford.

13278. How many miles of spawning rivers would you have?—Well, there is this spawning part and there is the fishing part. We have, in the spawning rivers, 600 miles of tributary rivers in which the fish spawn. I think about 400 miles altogether is the area that would be available for spawning purposes.

13279. And you have a considerable area on the Bann also?—Yes; the Bann catchment area is 2,200 square miles. The catchment area of the Foyle is 1,300 square miles, and yet we have more than double the amount of spawning ground in the Foyle than there is in the Bann. The Bann rivers are more of a canal nature.

Dr. Mealeff.

13280. I suppose the salmon won't go up to Portadown?—Well, there is not a salmon in the Upper Bann, and I never knew salmon to be in the Upper Bann.

13281. Or in the Blackwater?—There are a few in the Blackwater; there is a weir at Benbulbin that they never get over. There are only about three miles of spawning beds in the Blackwater. The best spawning water is upon the Ballinderry, that runs about Cookstown and flows down into Lough Neagh. There is a larger river than the Ballinderry, but there are so many factories on it that it is not so good a spawning river as the Ballinderry.

13282. Mr. Overend.—Have the Company watched the spawning grounds of these rivers ever since 1875?—I am sure that there are no rivers so well watched in Ireland, or maybe in Scotland, as the Foyle and Bann. There is not one fish killed on the spawning beds, or going to the spawning beds, to ten killed on the Foyle 40 years ago. I knew in one night two cartloads of salmon carried away to the country solely for the purpose of getting drunk, and they gave them to people for whiskey, and left them behind hedges in the country. That does not happen now.

13283. Now, in addition to that, have the Companies provided hatcheries?—Yes, we have a hatchery on the Bann and one on the Foyle, and I should like very much that you would see the Foyle hatchery when you are here. We have 1,161,000 in the Foyle hatchery up at Newtownstewart, and 746,000 in the Bann hatchery.

13284. How many would you put into the river from the Foyle hatchery during the year?—We would lose, perhaps, about 10 per cent. of them before we would put them into the river.

13285. Would the output of the hatchery be about a million in the year?—Well, we had over a million last year, and almost a million before, but this year we had 1,161,000 in the Foyle alone.

13286. And what about the Bann?—I think it is 746,000 in the Bann, or something like that.

13287. Have you studied this subject of difficulty?—I have.

13288. Have you observed the drift net fishing at the mouth of Lough Foyle?—I have.

13289. Now, would you just tell the Chairman how the fishing goes on there in the North Channel?—Well, I have not been there for some years.

13290. Now, have you watched the increase of the drift nets since 1875?—I have since 1899.

13291. Now, can you tell the Chairman about that?—Well, in 1860 there were no licences issued for drift nets in the Londonderry district.

13292. Take the first district. The districts are Ballyshannon, Letterkenny, Londonderry, and Coleraine. There were no licences, you say, in 1860?—In 1860 no licences were issued in Londonderry, Coleraine, Ballyshannon, or Letterkenny.

13293. In 1870 there were eleven?—In 1870, yes. That was only for Letterkenny and Londonderry, and there were none in Ballyshannon or Coleraine districts.

13294. Mr. Overend.—In 1880?—Fifty licences.

13295. In 1890?—Ninety-five licences.

13296. In 1900?—One hundred and forty-five licences.

13297. In 1911?—Three hundred and sixty-six licences. That is for the four districts, Ballyshannon, Letterkenny, Londonderry, and Coleraine.

13298. Do you remember when this drift net fishing started?—Yes, I do.

13299. And would I be right in saying that the lengths varied from 250 yards to 500 yards in 1870?—That was their lengths then.

13300. And we have heard to-day that they are up to 2,000 yards?—Yes, I am sure that is true.

13301. We also heard that the boats are larger, and that they are drifting with motor boats?—Yes, that is so.

13302. What do you think is the average length of the net that is used in the north channel outside the mouth of Lough Foyle?—That channel does not give so much room for the large nets as the back strand. In the north channel you must get near the shore. A thousand yards is what you would fish in the north channel.

13303. Now, can you tell the Chairman whether, in your experience, you are able to speak as to the multiplication of fish by the drift net?—Yes, I can. I can give you a concrete case.

13304. Will you tell just now how you know and what you know?—I know that we often get antitested fish in our nets, and I know that they are very much deteriorated, and you find that they are born round the gills, and that they are cut on the shoulders, being the best part of the fish. That is where the net gets into the fish, or between it, and if you cut it you find the fish below the latiss block. I obtained 250 lbs. of drift net salmon and I sent them on with our fish. I didn't say where I got them or why I got them, and these fish brought 9d. per lb. in the London market, and the same day our fish brought 1s. per lb., though the merchants had no means of knowing that they were not our fish; and 48 salmon weighed 250 lbs. That was a little less than 6 lbs. averaged weight for the fish. 250 lbs. would be an average of 6 lbs. a fish. I have weighed several fish, and the weight is about 6 lbs. The meshes of these nets are made to catch the largest quantity of fish. I have got a section of the net here if you wish to see it.

Chairman.

13305. 250 lbs. was the weight of the drift net fish you sent?—250 lbs. for 48 fish.

13306. Were they sent as a separate parcel?—They were.

13307. And were they treated exactly alike, were they put the same time out of the water as your fish?—Well, they were longer out of the water, they were ten hours longer out of the water.

Mr. Green.

13308. In the month of July?—June or July.

13309. Mr. Overend.—Now, have you made a calculation of the outlay that would be necessary on these drift nets?—Yes.

13310. And I believe you calculate that each net would cost about £20?—Yes, I have put the figures before the Chairman there. I put the net down as £20, and I put the use of the boat and oars and sails at £3 by the year; I put the licence at £3, and I make the wages of four men 15s. a week for eight weeks. That is £20 for the boat for the year I have tried to keep it, on the best information that I could get, as moderate as possible. That is, that they must cost £20 per boat before they can have any profit.

13311. And that would be that they must catch how many salmon?—They must catch 250 salmon per boat during the season.

13312. There are 500 licences in the four districts?—Yes.

13313. And each of these must catch 250 salmon actually to pay?—They must.

13314. How many thousand salmon do you calculate that they would require to catch to clear the expenses of those boats?—91,000 salmon.

13315. Simply to clear the expenses of the licences and the boats?—Yes.

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MR. THOMAS McDERMOTT—continued.

[LONDONDERRY.]

13336. Mr. Overend.—And that would represent how much in pounds numbered?—£118,306, that is putting the salmon at 8d. per lb. on the coast, so that every five salmon would be the value of £1 on the coast.

13337. Now, do you complain that not only do the drift nets mutilate the fish but that you have a good deal of trouble with them in the close season?—Oh, yes.

13338. Explain to the Chairman what the difficulty is of watching the drift net fishing in the close season?—Well, some years ago this became troublesome; we found them fishing all Saturday and Sunday nights, and we had to get a steam launch at a cost of £1,000. We have five cruizers, three at Malin and two outside the Foyle. These men do nothing else only watch during the close time, and the steam launch is watching on the Saturday and on the Sunday night.

Mr. Green.

13339. Did you put it down?—No, we cannot put it down, but the year before last we captured two nets and last year we captured one net. We are always getting a capture now and again.

13340. But they put down the net?—Well, we get nothing else. We take all we can get.

13341. Do you find nets are left out on islands and rocks?—That is reported to me by the watchmen. They report that nets are left on isolated rocks and islands, and the boats are brought home and the fishermen take them out on Saturday evening or Sunday evening, according to the weather, and they take the nets and fish them. There is a by-law prohibiting having a net on board in the weekly close time, and if they take nets out on the Saturday or Sunday evening they would be breaking the law.

13342. But they go and take out the net?—Yes.

13343. They would have to fish on the Sunday evening?—Saturday evening too.

13344. They would have to bring in the fish on Sunday morning?—I don't know about that.

13345. Mr. Overend.—Has it occurred to you that there would be a simple remedy for that?—Well, there would be a remedy for it.

13346. By requiring the nets to be "at home" in the weekly close time?—Yes. We tried to get an order made to compel these drift net fishermen to bring the nets to some port during the weekly close time as during the weekly open time, and we did not succeed in getting that order. We thought that was a very reasonable request, that the men who bring their nets into a port for five days of the week should also bring them in on the other two days of the week.

13347. Now, just tell the Chairman the course of the salmon coming to the great rivers of the Foyle and the Bann. Do you agree with some people that they strike the coast somewhere about Malin Head?—Yes, I believe they come from the north or north-west, and that they strike the coast at Malin Head, and they get rolled up on the shore and some of them go west and some go east.

13348. Do they come right along the coast from Malin Head to Innishowen?—Yes, for the Foyle.

13349. To come into the mouth of the Foyle they must come to the north channel or the south channel?—Yes.

13350. From Malin Head right to Magilligan there drift nets the whole way and fishing goes on with greater or less frequency the whole way?—Yes.

13351. How many miles is that roughly?—It would be about 20 miles, or perhaps more.

13352. So that for these 20 miles from Malin Head to Magilligan the fish have to keep dodging these drift nets if they are ever to reach the river Foyle?—Yes.

13353. Now, did you endeavour to calculate in one year the quantity of fish that was caught by drift nets, that is in the year 1908?—Oh, yes, I did.

13354. Of course, you were not able to exhaust the sources of information, but I believe you got the Railway Company's returns from the two railways in this city, for that year?—Yes, I did.

13355. And did you find, after making allowance for the weight of bones and for fish that were sent from persons other than drift netters, that still there were 67 tons and 12 cwt. of drift net salmon sent from Londonderry?—Yes.

13356. And those salmon would be value for about £85 a ton?—Yes.

13357. Mr. Overend.—Salmon are value for about £95 a ton?—That is so.

Chairman.

13358. And what is the total?—That is what came through Derry, but a great many fish go across from Magilligan by steamer and a great many go by Stranahan. Ballyshannon and Coleraine fish would not pass through Londonderry at all.

Mr. Green.

13359. Letterkenney and Stranahan?—Yes.

Chairman.

13360. What you are giving us now is the figures you obtained with regard to drift net salmon?—Just so.

13361. From the railways?—Just so.

13362. And you do not give the Letterkenney and Stranahan returns?—I do not.

13363. You are giving what came through Derry?—Yes.

13364. You say 67 tons came through Derry?—Yes, in the year 1908.

13365. And that would be £85 a ton?—About then.

13366. That is £5,000?—Mr. Overend.—Yes, sir.

13367. Mr. Overend.—Now, Mr. McDermott, there is a matter I want to ask you about. There was some complaint made to-day about the fishermen in the north channel not being represented on the Board of Conservators?—Yes, that is so.

13368. Is that accurate, for though they state that they have no representation on the Board of Conservators, I understand that there are two Conservators representing them?—We have four for what is called the upper or fresh water portion, and four for the lower or tidal portion; and many years ago when the drift nets began to develop the drift net men thought they should have been represented on the Board, and it was arranged that they should have two, and that the nets fishing in the river should have also two.

Chairman.

13369. That is, the net fishermen in the lower waters?—Yes, in the tidal portion of the Foyle. The fishermen chose Mr. John McDowell, of Moville, and Mr. Leslie, of Bellefleur, and I don't know who was chosen that time by the net fishermen of the Foyle, but each had two, and that has been carried on ever since, and I don't see that there is any great occasion for complaint over that.

13370. At any rate, the tidal water men have four representatives amongst them?—Yes.

13371. And how are they elected?—Elected by those who pay licence duty.

13372. Mr. Overend.—Do you complain that these drift nets scare away the fish that they cannot catch, the large ones?—Well, we are sure that the fish travel in shoals, and we also know from observation that the fish do not come in in shoals as they used to come, and we have no other reason to assign for the breaking up of the shoals only the drift nets.

13373. Do you say that in the close time only they come in as they used to do?—We find that as the week goes on our fishing falls away. We can fish on Monday and Tuesday, and on towards Saturday the fishing falls away.

13374. Now, didn't the Conservators of the Fishery Districts apply for a by-law to remedy that?—Yes.

13375. And the Inspectors of Fisheries having heard evidence passed a by-law limiting the fishing, prohibiting it within one mile from a line outside Magilligan?—Yes, from a mile line outside Magilligan Point.

13376. You find the mile marked on the map before you. It is the line A B?—The inner line is the by-law line.

13377. What is the outer?—Prohibiting bag nets.

13378. That is in the defined portion?—The estuary.

13379. That is defined by the Department?—Yes.

13380. Now, that by-law was appealed against?—Yes, it was.

Chairman.

Now, we went very exhaustively into a great deal of the matter that Mr. McDermott is now repeating when we were inquiring here in July.

Mr. Overend.—I was altogether unaware of that.

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Mr. THOMAS McDERMOTT—continued.

[LAWSON, MR.]

Chairman—continued.

The great thing that we had not then was the condition of the drift nets, and that is substantially why we have come here now. We are here now not to go into the whole business of the Conservators of the Bann and Foyle, but merely to know how far this bears upon the drift nets, and you might shorten the matter in this way, if Mr. McDermott could tell us this, it would be pertinent. He has told us now what the increase of drift nets has been. There were none in 1899, but 966 in 1911. He has made a computation there that it would take 91,500 salmon to pay the expenses of the 366 drift nets. The next item he has given us is that in 1908 he checked going through Derry £5,695 worth of salmon. There is a big discrepancy between that and the value of the 91,500 salmon. You may say that the balance would go through Letterkeeny or wherever else you like, but I make no comment on it. Now the important matter that Mr. McDermott has given us so this. He has given us the increase from year to year of drift nets. If he could give us the relative figures as regards their take of salmon or the figures that would be balanced by this increase of drift nets that would be pertinent to the inquiry, but all the rest is really not

Mr. O'Connell.—I think I can shorten it in this way, that the matter was fully gone into and evidence taken in 1906 relative to this by-law, and a report was made by the Inspectors of Fisheries to the Privy Council upon it, and that report was full and convenient with the matter, and I think I might ask Mr. McDermott shortly about it, or I could hand this in, and that would put the whole matter before you in the shortest possible form.

18861. We are not an executive Department, we are here merely to get information, and we don't want to go back to see the reasons why a by-law was thrown out by the Privy Council or approved by the Privy Council. All we want is to get information that bears on the suggestion on one side that drift net fishing is affecting the river, and the statement on the other side that it is not.—Witness.—I think the Chairman has hardly understood me properly, I only dealt with the returns of fish going by two railways from Derry. Some of the railways would not give me any information; nor would the steamboat companies.

I am taking the two railways. I said that I made no comment whatever, but that you did not go far enough with your statistics.

Mr. O'Connell.—There is something I should like to put before you.

Let us know what it is.

Mr. O'Connell.—I tender this report to you not as having anything to say to the formal by-law, but as

Chairman—continued.

containing the evidence given publicly and the report of the public body dealing with the question of these drift nets, and dealing specifically with the four districts in which you are interested at the present moment.

When was that evidence taken?

Mr. O'Connell.—In 1906.

By whom was it taken?

Mr. O'Connell.—By the Inspectors of Fisheries.

What resulted from that evidence, did they pass the by-law?

Mr. O'Connell.—They did, they passed the by-law, and this evidence was taken with a view to the by-law.

What became of the by-law?

Mr. O'Connell.—The by-law was ultimately thrown out by the Privy Council.

There is no use in asking us to take that, as it leads to nothing.

Mr. O'Connell.—It leads to a by-law being made in the first instance.

But it leads to nothing.

Mr. O'Connell.—I do not see in what other way I can put the matter before you as clearly as it is stated in the three or four printed pages of this report.

Chairman.

18862. I do not think we can see our way to it. If it was a by-law which was passed, and which bore upon this question, that might be another matter, but it is not. It is a by-law that came to nothing. Witness.—I don't think you have understood me.

18863. You used this as an argument, but it would be more considerable to us if you would make your argument exhaustive, and if you had pursued it to the end instead of giving us a fragment and leaving us to find out something or other that now you say we cannot find because you say there are steamers and other means of transport.—I had no idea that all these other details would be required.

Mr. O'Connell.—We were all in considerable doubt. We did not know exactly what was the scope of the inquiry here till you explained it this morning.

18864. I don't think the Committee attach very great importance to this. Witness.—The way you put it seemed to suggest that you were doubting the figures that I put down there.

Chairman.

I am not doubting the figures at all if you had given the whole of them.

(At this stage the Committee adjourned for luncheon.)

Mr. THOMAS McDERMOTT, recalled.

18865. Mr. O'Donnell.—In what capacity were you giving your evidence?—I am giving evidence as acting clerk of the Board of Conservators.

18866. Can you tell me how many of the Company's servants are also servants of the Conservators?—One.

18867. Now, you say the Company watch the river?—I do. They watch it to a certain extent.

18868. What are the Conservators for?—Watching the rivers also.

18869. Have the Conservators a boat?—Witness.—Do you mean a steam boat?

18870. Yes?—No, as steam boat.

18871. They have inspectors?—They have.

18872. And no clerk of the Conservators, can you tell me the amount spent by the Conservators in policing and watching these rivers?—Well, I could not give it to you exactly. I think it is something like £1,000. I cannot give you the exact figures of the amount spent altogether by them.

18873. How much is spent by the Company?—The

last figures I have are 1906, but the expenditure is no less. I hadn't time to make up the figures since that, but the Company expend in the estuary, that is, in the estuary of the Foyle, and on the sea coast, £379 18s. 5d.

Chairman.

18874. That was in 1906?—Yes.

Dr. Makoff.

18875. Is that all for the protection of salmon?—All for the protection of salmon, during the weekly close time, and they spent on the spawning rivers £1,707 18s. 2d.

18876. Mr. O'Donnell.—That is, for policing?—Yes, for watching the upper river.

18877. Now, can you give me the amount of salmon caught by the Foyle and Bann Company last year?—I could not.

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MR. THOMAS McDERMOTT—continued.

[LONDON: 1912.]

13378. Mr. O'Donnell.—Why?—Because I have not the figures.

13379. Can you give them to me for 1907?—I could not.

13380. Were they bad years?—No, 1910 was a bad year and 1911 was better.

13381. And am I right in saying that last year was the best year the Foyle and Bann Company ever had?—Oh, not at all.

13382. For how many years?—Well, I could not tell you.

13383. Now, will you make out the figures for me and send them to me or to the Committee?—Well, I am not quite sure whether I could actually or not, because I would have to ask permission of my Company.

13384. You say that in the case of the drift net fishers each boat must make £50 before there is any profit?—That is my opinion.

13385. Every year?—Every year.

13386. How do you make that out?—You did not get the figures I gave.

13387. I have got the figures, but do you mean to tell me that you would have to spend £25 on the net; is the life of one of those nets only a season?—Oh, no, I did not take it that way. I only said the net costs more than £50. I would put down £50 for the net.

13388. But you have heard Mr. Sayers' evidence that the net would only cost £24?—But time has gone up very much in price, and he may have made up this estimate before time got up. The best estimate I can get is, that a net of a thousand yards ready for fishing costs about £50.

13389. Do you tell me that the life of that net is only one season?—Oh, no. It costs more than that to get the net, but one half of the net, that is, the upper half of the net, wears, I am informed, faster than the lower half of the net, and therefore you have to split the net up in order to put a new half every year. That new half is always the top part, because approximately two-thirds of the salmon are caught in the upper third of the net.

13390. Don't you think that your figures are wrong when you say that they would require to make £50 each year before making any profit?—I don't think they are very far wrong.

13391. But you say it is only a matter of repairing the nets?—Well, but you have to split the net and put in a new half net and then fix it up again.

13392. Then we must make £50 according to you before we make any profit?—Yes, if you make it less, of course, you make your catch of salmon less.

13393. Now, will you be good enough to say how much you have to make before you have any profit?—We have to make about £10,000.

13394. How many tons of fish would that be, if you have to make £10,000 before you have a penny profit?—Yes, well some years it is less than in others.

Chairman.

13395. You have to make £10,000 a year?—Yes, about that.

13396. Mr. O'Donnell.—I suppose you can tell me the number of tons of fish that that would represent?—I could not.

13397. Does your company have a fair profit?—Some years, and other years somewhat less.

13398. Are the shares as good to-day as they were fifteen years ago?—They have no shares.

13399. You know, as manager of the company, how the company is constituted, the different owners and the extent of their interests?—Yes, I know all about it.

13400. Well, in the interest of any of the owners as good to-day as it was fifteen years ago?—There is no difference in the interest at all, except when the dividends are not so good.

13401. Do you tell me now that the dividends last year, that is for 1911, were up to the average?—Well, I would say about the average.

13402. Have they suffered in particular years since the drift nets started, or was there a very low dividend at all, have they suffered a decrease in their dividends at all?—Oh, yes, they have.

13403. From what cause?—Well, we attribute that altogether to the drift net fishing.

13404. Mr. O'Donnell.—You could not tell me the year that that happened in?—Well, the fishing is, as everybody knows, not a regular thing. Some years you have good fishing and other years bad fishing, and you have to take an average.

13405. And in that particular year of a very bad dividend can you tell me the number of fish nets that were fishing?—Well, I could tell you if I looked the thing up, since 1870.

13406. But you are not prepared to do it to-day?—No.

13407. Tell me the year when the dividends were low?—I can't tell you the dividends.

13408. You cannot?—No.

13409. Then I don't want any further thing from you. Then you attribute the whole decrease to the drift nets?—I do.

13410. Altogether?—Altogether.

13411. Do you know the drift nets are only fishing for about 10 hours a week for 5 weeks?—No, I believe they are fishing 20 hours a week.

13412. For how long do you say?—I say for 8 weeks.

13413. You fished a drift net yourself?—No, except I was experimenting.

13414. And you do it under the most favourable circumstances that you can?—No, I don't choose the circumstances.

13415. It was in view of giving evidence and to see the result of drift net fishing?—That is right.

13416. Now, didn't you select, as you thought, a good time for that?—No.

13417. What was your object in going there?—My object was in going there to see how fast a net travelled on the tide, and to see whether it would travel at all when there was no tide.

13418. And it was not with the view of catching salmon at all?—It was not. It was not a time when salmon would be caught. It was in the daylight.

13419. To see whether the net moved or not?—Just so, and how fast it moved.

13420. It did not move very far?—No, it did not move very far, or very fast either.

13421. Did you catch any salmon?—Well, I believe on one occasion there was one salmon caught.

13422. It was fishing under the most favourable circumstances?—No, I have told you it was daylight.

13423. Was it 8.30 at night?—It might be that.

13424. Was that the time you fished?—Yes.

13425. Were you telling lies when you were on your oath before the Master of the Rolls?—No, nor am I telling lies now.

13426. Did you not state before the Master of the Rolls that it was 8.30?—Yes, that is right. Sure your own witnesses are testifying here, one after another, that they were unable to fish till 10 at night.

13427. You say they fish 20 hours in the week?—Yes. I say if they begin at 10 at night and fish till 2 in the morning for 5 nights, that is 20 hours.

13428. You give no time for boarding or re-casting their net at all?—Oh, yes.

13429. Is there anything except the drift nets that would account for the depletion of the fish?—I don't know anything else that would account for the depletion of the fish.

13430. I suppose other circumstances would not affect them?—Oh, yes, a great many things; but I mean that there is nothing that has arisen of late to account for it but the drift nets. Everything that has happened of late would lead to an increase of fish except the drift nets.

13431. You gave evidence before the Commission on the salmon fishing in 1907?—I suppose I did.

13432. And what did you attribute the decrease of the salmon then to?—If you tell me what I said I will tell you whether it is correct or not.

13433. Did you at that Commission say, that the sewage flowing into the rivers had a great deal to do with it, and that the rivers would be better without this sewage flowing into them?—What I was speaking of then was the increase of sewage from the growth of towns and factories on the banks of the rivers.

13434. Did you say anything about gas tar?—I did; I said gas tar was very bad for the fish.

13435. Did you say anything about little boys stopping and stealing the spawn or ova?—No, I said that

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MR. THOMAS McDERMOTT—continued.

[LONDONDERRY.]

boys used to kill great numbers of salmon fry when fishing for trout.

13482. Mr. O'Donnell.—And the boys are not so bad now?—No, but there is a better watch on them.

13487. Had the gulls anything to say to it?—I can't convict gulls.

13488. What time is the run of fish in the breeding rivers?—That depends on the state of the rivers. The fish come up the tide-way generally about the first or second week in June, and then if there is a flood on they go immediately up the river, and if there is no flood on they have to wait.

Dr. Mahaffy.

13489. Is there no early run of fish in this river?—No, we have it elsewhere, but not in the Foyle.

13490. Mr. O'Donnell.—Do you report to the Board of Agriculture as to when there is a heavy run of fish in the breeding rivers?—I tell you they go up any time that they get a flood, about the first or second week in June, but the principal run of heavy fish is in September and October. It all depends upon the condition of the river.

Mr. Green.

13441. Of course, you are speaking here as a Conservator, for the Board of Conservators?—Yes, I am speaking here generally.

13442. Now, when you are talking about the sum of money that has to be made before you can think of any profit, are you speaking of the Londonderry district only, or are you speaking of the Bann fishery as well?—Oh, of the Bann fishery as well.

13443. You are including the company?—Oh, yes, I am including the whole thing.

13444. Mr. O'Donnell.—Were you here at the inquiry held by the Fishery Board relative to your by-law of the 29th of June, 1910, altering the time of the capture of salmon and trout by means of a single rod in the Londonderry district?—Yes, I am sure I was.

13445. Did you hear it stated there that the heaviest of the run of fish was in October and November?—Well, I did not hear that.

13446. September, you say?—September, October, and November are the times the heaviest fish go up the river.

13447. They go to spawn?—Yes.

13448. Is there any drift net fishing going on at that time?—No, none.

Dr. Mahaffy.

13449. What has that to say to it?—He spoke of the Head waters being full of fish then.

13450. Mr. O'Donnell.—What is the time of the entering into the Foyle?—From June, if they get the water to suit them.

13451. Have you a net on the Faghagh?—No.

13452. How far is it from the Faghagh?—Perhaps half a mile or a quarter of a mile.

13453. Can you tell us then how many nets the Foyle and Bann Company altogether fish?—In the Foyle, where we fish, 15 nets. We only fish four nets in the Bann, drift nets I mean.

Mr. Green.

13454. The Foyle nets are all in the tidal water?—They are.

13455. In the Bann there are some of them in the fresh water?—Yes only.

13456. Mr. O'Donnell.—Those are all in the narrow waters?—Comparatively narrow.

13457. What is the salmon's chance of escaping one of those nets?—Well, we have nine tides one week and ten tides another, and we fish about three hours on the tide, or barely that.

13458. How many stake nets have you?—Three stake nets. The stake nets only extend to low water-mark.

13459. You pay a rate to the City of Derry for one of the nets?—Yes, we do.

13460. Now, when you were inquiring over at the Midland Railway Company, in 1906—and I think you were at the Great Northern too?—I was.

13461. Did you find out the total amount of fish covered?—I did, as far as I could.

13462. How much of that was your company's?—I did not take that into account at all.

13463. Mr. O'Donnell.—Could you tell us now?—I could not.

13464. Was it equal to the quantity that you found sent by your company?—Well, I told you I did not take that into account.

13465. But why didn't you?—Why should I—I was searching to see how many fish were coming off the coast, and I wanted to get reliable information. My statement is that there are fish killed on the coast that should come to the Foyle.

13466. Would it be better for the public that they should be killed in the Foyle or killed in the sea outside?—Far better killed in the Foyle.

13467. For the Foyle and Bann Company?—And for the public too. You mean the Londonderry public, but I go for the value of the fish, do you see, the value of those caught in the Foyle compared with the value of the fish caught in the drift nets.

13468. But you have heard the evidence here that there is no difference?—Well, I heard different evidence in Dublin.

13469. But of course those seized fish that you have got and sent away, you are not serious in comparing them with other fish?—You call them seized fish. I treated them very carefully.

13470. There is no use in labouring that point any further. You have not the figures with you of the last two years?—I have not.

13471. Was it up to 500 tons last year, do you think?—I really could not say.

13472. You could not say?—No, I don't think it is up to 500 tons.

Dr. Mahaffy.

13473. Do you take any account of the trout fishing in the upper waters, do you look after it at all?—We preserve all manner of fish in the upper waters.

13474. Is the trout fishing in the upper waters of value?—There is very good trout fishing in some of the tributaries. There is good trout fishing in the Fahan, very fine white trout fishing there.

13475. And that is looked after by you?—Yes.

13476. And is that a valuable property?—We don't look after it in any way of changing men for fishing. We only look after it to see that it is fished legally.

Mr. Green.

13477. Isn't there some association here in Derry that takes trout fishing?—No, there is an Anglers' Association, but they have not taken up any waters.

13478. Mr. O'Donnell.—Do you remember the last election of Conservators?—I do.

13479. There were 81 drift net license holders represented there and your company were able to out-vote them?—Well, they should have had more licenses, and then they would have won the election.

13480. Who was the proxy holder for the company on that occasion?—I could not tell you.

13481. Was it a Mr. Watson?—I could not say now.

13482. It was Sandy Watson?—He is a Conservator.

13483. He is not a fisherman?—Oh, no.

13484. He is a farmer?—He is a farmer.

13485. And sure in order to be a proxy holder you would need to be a license holder?—Yes, you would.

13486. And had he a license?—I am sure he had.

13487. And what would he be doing with a drift net license?—I could not tell you what he would be doing.

Mr. Charles O'Doherty, Esq.—Mr. Andrew Watson came in with a bundle of new licenses which never had been in the pocket of a fisherman. They were issued that day. Watson.—When a man comes and tenders his £3 and says he wants a license he must get it. The law says you must give it to him. It is his lookout that he fishes in some place legally.

Mr. Frinelle.—Somebody had a whole lot of licenses on that occasion, and now I want to say that you can go with £200 and ask the clerk every three years to hand you out as many licenses as you like, provided you pay £3 for each of them, and the fishermen are always out sporting.

Mr. O'Doherty.—I hold proxies to the number of 81, and Mr. Watson had a total up to 80 or 60. Mr. McDermott and Mr. Watson went out, and Mr. Watson came in with a bundle of new licenses, all marked with a proxy stamp on the back of each, just like new pound notes without a crease in them, and the thing was a fraud.

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Mr. THOMAS McDERMOTT—continued.

[LONDONDERRY.

Chairman.

We must have some limitation as to the extent to which we are travelling.

Mr. O'Doherty.—It is in reference to the necessity for a change in the law.

Chairman.

What is suggested here is this, that a man must be a fisherman before he gets a licence. That is what you suggest here, and I don't think it is a matter for us to inquire about, as to the propriety of this election. It is sufficient for you to say that that is your view, that a man ought to be a bona-fide fisherman before he gets a licence. It is said that somebody paid £8 for licences for the sole purpose of voting at this election.

Mr. O'Doherty.—That is what happened.

Chairman.

It may have been doing business, but I think it is rather expensive.

Mr. O'Doherty.—What I suggest happened is this: The Conservatives touched have power to give a grant in aid of a several fishery owner for the purpose of watching, and what I suggest happened is this, that they make a grant to Mr. McDermott or somebody else of £3 for a licence. The Conservatives are quite a close Corporation owned by the Fyfe and Bann Fishery Company, and they have the power to make a grant to the Fishery Company. I don't say they do it, but they have the power.

Chairman.

One thing you do not suggest. You don't suggest that the licences are not genuine.

Mr. O'Doherty.—No, they are paid for.

Chairman.

It may be a thing that ought to be rectified, but it is within the law.

13488. Mr. Overend.—(To Witness).—Tar discharged into the river from gas works injures the fish?—Yes, the tar discharged out of the Omagh Gas Works killed 86 lug salmon once, and I made an arrangement with them not to let any tar out there again.

Mr. JOHN PATTERSON, examined.

13497. Mr. Overend.—Are you an Inspector in the employment of the Conservators here?—Yes.

13498. Of the Company?—Yes.

13499. Now, in 1908, did you make up observations of the annual fishing taking place in the North Channel?—Yes.

13500. Did you attend there on several nights during the season and make a note of what occurred?—Yes, I did.

13501. Now, on the 24th of June, 1908, did you find 11 drift nets in the North Channel?—Yes.

13502. Working at the one time, and did you point out to Mr. Barkham where these were?—Yes.

And did he make that map from your evidence (map handed to witness)?

Mr. O'Donnell.—Of course, I object to this map. You will take me as objecting. This map was prepared by a man who was told by another man that certain things occurred on a night in June.

Mr. Overend.—This is the man that saw the nets.

Mr. O'Donnell.—This is the man that saw the man that saw the other man.

Chairman.

13503. To Witness.—Can you describe the position of those nets that you saw in the North Channel. What opportunity had you of seeing them, were you in a boat?—Yes, in a boat alongside them.

13504. How many nets did you see?—I saw 11.

13505. At what distance were they from each other?—About 100 yards, or hardly that from each other, shot from the shore towards the Tyns Bank, and from the Tyns Bank towards the shore.

13506. And was there a heavy rope on each one?—Yes, on each one.

13489. Mr. Overend.—You have been asked was the year 1910 better than the year 1911?—I think it was.

13490. You heard the evidence that the new development of drift nets has greatly increased in the last 10 years, and has existed only in the last 10 years. Were the last 10 years of your fishery worse than before that time?—Witness.—Do you take the whole lot?

13491. Yes?—I believe they were.

Chairman.

13492. Can you say they were?—Well, I could not say definitely, but I believe they were, taking the last 10 years and the 10 years before that. Those figures I gave you are only approximate as to what it would take the fishing to make in order to pay. If any man comes and says it would take less, my figures are out, but I do not see how a profitable fishing can be carried on at a less figure than what I give you there.

13493. At your figure of 91,500 fish the money earned would require to be something like £22,000 a year?

Mr. Overend.—£18,300, at five salmon to the pound.

Chairman.

13494. That would be too low. The average was 6 lbs.

Witness.—Six eightpences is four shillings.

13495. Then you think £5,000 worth come through Derry?

Mr. Overend.—Yes.

Chairman.

13496. Then, Mr. McDermott, according to your calculation and some of the evidence given here to-day, those hooks don't pay?—Well, I cannot see how you can allow for much less than that.

13497. Mr. O'Donnell.—Isn't there a several fishery at Buncrana?—Yes.

13498. Those fish would come by Derry?—I took all that in. I took everything. I took out and earmarked all that came from Horn Head, and I took out all that came from Culleagh, and from Buncrana, and they were not reckoned in the quantity carried by the two railways through Londonderry.

Chairman.

And after all it is only an approximation.

Mr. Overend.—That is all it pretends to be.

Chairman—continued.

13507. So that you could make no mistake about the number or the distance?—Yes.

13508. One and was on the shore?—No, they shot off from the shore.

13509. How close were they to the shore?—In some places they might be within 30 yards of the shore.

13510. That would be the closest they were to the shore?—Yes, that would be. I saw nets placed at that place and caught on the rocks on the shore.

13511. That was not that night?—I don't say that night.

13512. You say the closest of them would be 30 yards?—Yes.

13513. At one end?—Yes.

13514. Well, the other end?—Would be out a pretty long distance.

13515. How far would that be from the opposite shore?—Well, it might be 40 yards or 50, I would say. It might be more.

In the width from shore to shore there only 1,400 yards?

Mr. Overend.—It varies from 1,300 to 2,000.

Chairman.

13516. Do you know the distance from shore to shore?—I have an idea. I think it would be 1,300 or 1,500 yards.

13517. You say that the closest of any one of those nets to the shore was 40 yards on each side?—Yes.

13518. Mr. Overend.—Some of the nets were shot from the Tyns Bank side and some from the shore?—Yes, and they overlapped.

13519. And there would be a net within 40 or 50 yards of each shore?—Yes.

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Mr. JOHN PATTERSON—continued.

[LONDONDOERRY.]

13429. Mr. O'Connell.—And were those nets over-lapping all the way down the channel?—Yes, that is the way they fish them there.

13430. Now, on the 22nd of June, did you see 27 boats there?—Yes.

13431. And was that, roughly, under the same circumstances as you have told the Chairman?—Yes, that is the way they fish.

13432. And on the 26th of June did you see 14 boats?—Yes, I did.

13433. In the North Channel also?—Yes.

13434. And on the 26th of June were there nine?—Yes.

13435. And on the 30th of June were there 29 in that channel?—Yes.

13436. And on the 2nd of July were there 21?—Yes.

13437. And on the 3rd of July were there 15 boats in that same North Channel?—Yes.

13438. On the 7th of July there were seven?—Yes.

13439. On the 8th of July there were 14?—Yes.

13440. On the 9th of July were there six?—Yes, I believe there were.

13441. And on the 14th of July 19?—Yes.

13442. On the 16th of July seven?—Yes.

13443. And was that all the observations you took?—Yes, that is all, watching these boats and looking for licences.

13444. Have you seen over 1,000 yards long of nets?—Yes.

13445. Mr. O'Doherty.—You were looking for licences?—Yes.

13446. You are in the employment of the Fishery Company?—Of the Conservators, I understand.

13447. Now, you don't know yourself whether you are an employee of the Conservators or of the Foyle and Bann Company. Is not that so; do you know who is your master?—I do.

13448. Who is?—Mr. McDermott.

13449. And is he your master as manager of the Foyle and Bann Company or as Clerk of the Conservators?—As manager of the Foyle and Bann Company.

13450. What right have you, as a servant of the Foyle and Bann Company, to demand a licence?—I have a right.

13451. Was it in the name of the Conservators that you did it?—Certainly.

13452. As an officer of the Conservators?—Yes.

13453. Were those observations taken by you when you were acting as an officer of the Conservators?—Yes.

13454. For the benefit of the Foyle and Bann Company?—Certainly.

Chairman.

13455. Are licence holders obliged to have their licences with them when they are out fishing?—Yes.

13456. Did you require each one of these men to produce their licences?—Yes. I consider it my duty to look after the licence.

13457. Did you require each one of these men to produce his licence?—Yes, the skipper.

Mr. THOMAS McCAY, examined.

13458. Mr. O'Connell.—Are you skipper of the steamer "Inspector"?—Yes.

13459. Do you patrol this coast with your steamer?—I patrol the river in the weekly open time and the coast in the weekly close time.

13460. Have you, from time to time, found a lot of nets fishing in the close season there, drift nets?—Yes, regularly.

13461. How many have you found in one night in the close season?—I have found six in one night.

Chairman.

13462. Is that last year?—Oh, no, it is a good many years ago.

13463. Mr. O'Connell.—Have you found that signals are made when you are coming round into the bay?—Yes, I see light flashed from the headlands very often.

13464. And have you, from time to time, found nets, in the weekly close season, lying out on the rocks and on the islands?—Yes.

13465. Mr. O'Donnell.—Who is your employer?—My warrant is from the Conservators, and Mr. McDermott pays me.

Chairman—continued.

13466. Did you go round them and make them produce the licences?—Yes.

13467. Each of those times?—Yes.

13468. I presume the same men would be there?—Yes, but I took a note of the licences and the number and the man's name, and I didn't want to have to call back on that man again.

13469. But any man you saw there whose name you had not got you asked to produce his licence?—Yes, and sometimes they forget to take them out with them, and I ask them later on.

13470. Mr. O'Doherty.—Did you ever ask Mr. McDermott for his licence?—No, I never saw him there.

13471. Did you ever require to see the licence of the owners of the stake nets?—No.

13472. Why?—I did not think it was a portion of my duty.

13473. You did think it was your duty to harrow the drift net men, the Mollie men?—That is where I am stationed.

13474. When are you from the time the drift net season stops?—The drift net season stops about the end of July.

13475. What do you do from that?—Well, I go to the fresh river.

13476. And, in going to the fresh river, don't you pass the stake nets and the drift nets?—Yes, I might.

13477. But you never required to know if they had a licence?—That is not my duty.

13478. Do you seriously tell the Committee here that from shore to shore it is only 1,200 yards from Magilligan to Greenacree?—I would think that.

13479. Where are you measuring from?—I am measuring from the rock, from the station at Greenacree to Magilligan, from the Warren light across there.

13480. From the Warren light right across to Magilligan?—Yes.

13481. And that is only, as you say, 1,200 yards?—Well, I would think so.

13482. Do you know it is a mile at the nearest point from the shore of Magilligan to Greenacree?—No.

13483. Is the Tuna Bank an island?—At low water.

13484. Can you row boats over it?—You might at high water.

13485. You heard it given in evidence before that steamers went over it?—But they didn't go over it.

13486. You were up to Dublin?—I was.

13487. And didn't you hear McKenny say, and, I think, Kennedy too, both of them, that they sailed their boats over it?—Small boats.

13488. Are, and that steamers went over it?—Oh, not over the Tuna Bank.

13489. Mr. O'Connell.—Did you hear McKenny say in Dublin that nobody with any sense would go near the Tuna Bank?—I did.

Mr. Friel.—I have gone across the Tuna in a boat of five feet at high water on a neap tide.

13490. Mr. O'Connell.—Are you skipper of the steamer "Inspector"?—Yes.

13491. Do you patrol this coast with your steamer?—I patrol the river in the weekly open time and the coast in the weekly close time.

13492. Have you, from time to time, found a lot of nets fishing in the close season there, drift nets?—Yes, regularly.

13493. How many have you found in one night in the close season?—I have found six in one night.

Chairman.

13494. Is that last year?—Oh, no, it is a good many years ago.

13495. Mr. O'Connell.—Have you found that signals are made when you are coming round into the bay?—Yes, I see light flashed from the headlands very often.

13496. And have you, from time to time, found nets, in the weekly close season, lying out on the rocks and on the islands?—Yes.

13497. Mr. O'Donnell.—Who is your employer?—My warrant is from the Conservators, and Mr. McDermott pays me.

13498. Mr. O'Donnell.—And are you inspected for the benefit of the company in the fishing grounds of the fishermen?—Well, I am employed to do the work.

13499. You are employed by the Fishery Company to do the work?—No, I am acting under the warrant of the Conservators.

13500. And does the warrant of the Conservators direct you to make evidence in the Irish Society's case?—Well, I have no objection, so long as it is right.

13501. Then, do the Conservators tell you to inspect and report as to the drift net fishing off the Larnshaw coast?—I get my instructions from my superior, and I carry them out as well as I can.

13502. Well, the Committee will draw their own conclusion from that, that there is the Conservators' own employee directed to find out evidence for the profit of the company against the drift net fishery. Do you suspect the stake nets in the close season?—I do.

13503. Every week?—No, not every week. When I am sent, I do.

13504. Who sends you?—Mr. McDermott.

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MR. THOMAS MCCLELL—continued.

[LONDONDERRY.]

13088. Mr. O'Donnell.—Would he send you to the Foyle and Bann rivers to inspect them?—Yes.

13089. And unless Mr. McDermott wishes you to inspect the Foyle and Bann Company's nets you do not inspect them?—I do not.

MR. JOHN FARRINGTON, of Coleraine, examined.

13091. Mr. O'Donnell.—You are from Coleraine?—Yes.

13092. And are you in the employment of the Fishery Company?—Yes.

13093. And it is your duty to inspect that coast near the mouth of the Bann?—I inspect all from Coleraine round to Portstewart, and part of Portlough, and all round the coast.

13094. Are you 20 years at that work?—I am, sir.

13095. When you started were the nets only 300 or 350 yards long when drifting?—Something like 300 yards.

13096. And how long do you know them to be now?—I know them to be now 1,500 yards.

13097. They have increased rapidly in size in the last ten years?—About ten years ago 700 yards was considered a very good net in the Coleraine district, so far as I know.

13098. How many fish have you seen landed on the catch of a boat?—This year I paid more attention than other years, but I could not give dates, but it was in the last of June or beginning of July of this last year, 1911. I saw 80, and 70, and 60, and down to 30.

13099. And how many was the most you ever saw there get?—I think 86 was the most I ever saw.

13100. Out of one boat?—Out of one boat.

13101. For one night's fishing?—For one night's fishing.

13102. Mr. O'Donnell.—I take it that you are in the employment of the Conservators, is not that?—I have a warrant from the Board of Conservators for the Coleraine district.

13103. You told us that you were in the employment of the Fishery Company?—I do some work for them.

13104. In what capacity are you giving your evidence, for I really do not know myself?—I am giving it as I am asked.

13105. Whether as an Inspector under the Conservators or as an employee of the Foyle and Bann Fishery Company?—I am a water boddy.

13106. Have you remarked these boats coming to port often?—Well, I have seen them a few times.

13107. You are 20 years on this business?—Well, I was not in charge of the business 20 years. I was only under another man.

13108. But, even as an under-man, 20 years ago you remember these drift nets?—I do.

13109. And you remember them up to 1,500 yards, and you have seen them coming in season after season. What?—Coming into port, you mean?

13110. Yes?—Well, not season after season coming into port. I have seen them at sea.

13111. What year did you see them come in with 80, 70 and 60 salmon?—1911.

13112. Did you ever see them come in with anything less than these numbers?—Well, I might if I had been there, but I am only speaking of what I did see, I may say they had not less than that.

13113. Did you ever see them coming without any at all?—No, I did not.

13114. Would you be surprised to know that some of them do come without any?—No, I would not. That might happen.

13115. Do you mean to convey to the Committee that they catch, as a rule, 80, 70 and 60, and come in with that number?—Well, what I saw I am telling you, and I saw it in the newspaper that some boat landed in the Coleraine district 123.

13116. Now, having heard that, did you ever hear that they landed without any at all?—I have known them not to go out fishing at all.

13117. Now, is not this the conclusion that you want to be drawn from your evidence, and the impression that you wish to convey, that every boat catches this number of 80, or 70, or 60?—It could not be that every boat would have the same number.

13118. But you would not put the number less than 30 for any boat?—I am telling you what I saw myself.

13119. Now, for 20 years you have been about this district, and up to 1911 you had not the variety to see if any boats were landed at all, and on this par-

13120. Mr. O'Donnell.—You never inspect them in the close season?—Except by direction of the manager of the company.

13120A. Mr. O'Donnell.—You never found the company's nets fishing in the close season?—No.

ticular night you saw this?—I saw the boats coming in and landing the fish.

13120B. But you could not tell us how many they had?—Well, I took no note.

13121. Now, as an Inspector of the Conservators, can you tell us anything about the owners of the small holdings who have bought their land?—You know, of course, what this Committee is sitting here for?—I don't know much about it.

13122. Well, they are sitting here to find out what is the effect of land purchase on salmon fishing, and do you know that a good many farmers down in that district bought out their land under the recent Land Acts?—I believe so.

13123. Now, can you tell me what, in your idea, the effect of that would be on the salmon fishing?—Some of them have land bought out, but I don't see what effect it would have, so far as I know. Others might.

13124. Mr. O'Donnell.—If the drift nets stop all the fish, then whether a man pays rent by his land or not he cannot catch them higher up?—Oh, he cannot catch them higher up at all.

Mr. Green.

Is there any place on these two rivers where this question of land purchase could make any difference?

Mr. Lane.—As far as I know land purchase does not affect the Bann fisheries at all.

Mr. O'Donnell.—They are claiming 400 miles of tributaries. They are claiming every tributary possible.

Chairman.

The Conservators of the district are claiming jurisdiction over the entire fishery district, but I do not understand that the Foyle and Bann Fishery Company or the Irish Society claim an interest in every tributary in the fishery district.

Mr. O'Donnell.—Mr. McDermott claimed it in his direct evidence; he claims that they have 400 miles of tributaries.

Chairman.

Speaking for the Conservators about the district over which they have jurisdiction, he gave an estimate of the area of the entire district and of the extent of the rivers and tributaries, but then, when you come to the question of proprietary rights in those rivers, I certainly did not understand that those rights derived by the Irish Society extended to every tributary.

Mr. O'Donnell.—I don't think they do, but they claim them, and Mr. McDermott gave his evidence as manager of the Company, and not as one of the Conservators.

Chairman.

He gave his evidence as both. He said he was both. Mr. O'Donnell.—He did, but he gave you more than that. He said that their several fishery in respects the Foyle extends to Lifford, and that they have a fishery up at Newtownstewart.

Chairman.

Well, I tried to make myself understood, but I must have failed absolutely. Mr. McDermott represents two different authorities here. One is the Conservators, and the other is the Foyle and Bann Fishery Company or the Irish Society. In his capacity as representing the Conservators he says, of course, they have control over the entire fishery district, and the fishery district not only consists in the tidal waters of the rivers, but of the waters of a certain distance up the rivers and every tributary of those rivers. Now, I do not yet understand that the Foyle and Bann Fishery Company have an absolute property in every tributary of the districts of those two rivers. If they have, we have no business here.

Mr. Lane.—They have not. The Irish Society claim a several fishery in the Lough and river Foyle which starts at Magilligan Point and terminates at Lifford, and under the express words of their Charter they have all fees the mouth of the Lough, all the channels and all the tributaries of that river, but they do not claim any fishing in all of them. The words of the Charter are—"That water, creek, river, stream, or

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Mr. JOHN PATTERSON, of Coleraine—continued.

[LONDONDERY.]

triflet of Bann from the High Sea unto the Pool called Lough Neagh and the ground and soil of the same, and also the Rocks and Salmon Leap there with the appurtenances and the whole piscary fishing and taking of fishes as well Salmon and Eels as all other kinds of fishes whatsoever of, in or within the aforesaid water, creek, river, stream or rivulet of Bann and the Salmon Leap aforesaid, as well with nets of what kind soever as otherwise howsoever from the High Sea unto Lough Neagh aforesaid, and in, through, and within the whole course of the water within the limits aforesaid, being in the said Counties of Antrim, Coleraine and Tyrone (now Londonderry) or every or any of them, and the whole water, river, stream, or rivulet of Lough Foyle within the limits aforesaid and the whole ground and

soil thereof, and also the whole piscary fishing and taking of fishes as well Salmon and Eels as all other kinds of fishes whatsoever of in or within the water, bay, creek and river of Lough Foyle as well with nets of what kind soever as otherwise howsoever from the High Sea unto the Town of Lifford and unto the utmost flux and reflux of the river of Lough Foyle aforesaid, and in through and within the whole course of the water within the limits aforesaid, being in the County of the City of Londonderry and in the Counties of Coleraine, Tyrone and Donegal aforesaid or in any or either of them within the aforesaid Province of Ulster." The Society availed almost the entire of the County of Londonderry and all the streams and the bed and soil thereof, and in them grants all these were reserved.

Mr. ANDREW KING, examined.

15635. Mr. O'Connell.—You are from Terrace Bridge?—Yes.

15636. You are an inspector of the river Bann?—Yes.

15637. And during the drift net season are you down in the river's mouth?—Yes, occasionally.

15638. Have you found these nets close in to the mouth of the Bann?—Yes, we have found nets on several occasions.

15639. Would they be less than half a mile out?—I saw them inside the half-mile different times.

15640. Now, you remember these nets twenty years ago?—I do.

15641. What length would you say they were then?—Well, between 300 and 600 yards.

15642. I believe they are up to 1,300 now in that district?—Yes, some of them are up to that. There are two nets off Portlewart up to 1,200 yards at the present time.

15643. Would you suggest that fishing boats should be made to carry a registered number when it is licensed?—Yes, I would suggest that. It is very hard to detect them when they are fishing in the weekly close season, and I suggest that they should have and carry a registered number. At the present time, unless you actually catch the man, you can't prove the case against him, and it is a very simple appliance. I would oblige them to carry their registered number. Of course, it would require legislation.

15644. Mr. O'Donnell.—You think that if the boats had a number, that would help the fish in the river?—I don't say that, but I think it would prevent a good deal of illegal fishing during the weekly close season.

15645. You put it down to the weekly close season?—I think that the weekly close season should be more strictly observed than what it is.

15646. Where do you operate?—My district is Downhill to the town of Portlewart.

15647. Have you inspected any of the Foyle and Bann Company's boats?—Well, I have to inspect the Foyle Company's men the same as any others, and I would demand a license from them where I did not know whether they had a license or not, and I had issued a license. I am a license distributor.

15648. But you would know, and go and inspect them in the weekly close season?—I do, and on the Saturday morning I see that their nets are hauled up at the regular time, just as I do with any other person.

15649. Mr. O'Donnell.—Did you hear Mr. McDermott say that the Portlewart men observe the law?—Well, I may say they do observe the law very well.

15650. Then, what are you saying about the breach of the weekly close season, for you have no experience of a breach of the weekly close season at all, and you can refer to Mr. McDermott to give the Portlewart men a character?—I say the Donegal men do not observe the close season. I say the Portlewart men do observe the weekly close season. I think myself that public opinion in Portlewart would not stand a breach of the weekly close season there.

15651. Have you any idea of the number of fish that the drift net men get?—I saw them coming into port on several occasions. I have observed 90 and 40 fish, and on one occasion up to 60, and I have seen 14, and 10, and 7, and 8, and on one occasion 7 and on another 14.

15652. Have you ever known boats to come in without any at all?—I have known them to come without any, but I did not actually see them coming in without any, but I know they did.

15653. Have you seen the quantities taken by the Foyle and Bann Fishery Company?—I have.

15654. During this long number of years?—Well, more times than I saw the drift net fishings.

15655. Can you give me any idea what they get?—Well, I have seen them fishing for a week and getting none at all in some places, and I have seen them getting up to 50 or 60 at a drift.

15656. Taking these last 13 years in the fishing of the Bann, is there a great decrease?—Well, there is a great decrease. Last year was a fairly good year, so far as I know, in the tide portion of the Bann, but in the fresh water portion it was a very bad season.

15657. Mr. O'Connell.—Do the Donegal men sometimes come over into your district?—Yes.

15658. In the weekly close season?—They do.

15659. And you would like to have the numbers of them?—Yes, I think so.

Mr. CANNON.—I say that that statement is quite untrue. I challenge him to state when the Donegal men were in his waters. I defy him to prove that a Donegal boat was there during the last 10 years.

Mr. WEBBER.—And my boat has always the same on from the water here to the gunwale.

Mr. HENRY O'NEILL, examined.

Chairman.

15660. You are from Portlewart, Mr. O'Neill?—Yes, I own a several fishery down along the coast there and use the river Bann, and I am intimately acquainted with the drift net fishing for the last 35 years. I remember when the nets used to be only about 300 or 400 yards long, and in my father's time he had great difficulty in keeping them from the head of our nets, from the tide side of our nets, but latterly, since the nets have increased to such a length, they have gone on increasing that they have to keep away on in the deeper water, and we don't have so much trouble with them in that way, but I consider that if this industry is to go on in the way that it is increasing, and the means of capture increasing to such an extent, from 300 or 400 yards up to 1,300 or 1,600 yards length of net, on the same license that was paid 35 years ago, there must be something done. I am not allowed to increase my means of capture with the drift net, and I do not see that other people should have unlimited means of capture. If they go on increasing, as they will do, with larger boats and longer nets, there will

Mr. Green.

15661. What do you think would be a reasonable length for the nets?—About 500 or 600 yards. If you go back to the time when the license was fixed for drift nets, 600 yards would be double what they had then. I think that people that have to pay rent, or have money invested, have more at stake than the public.

15662. You have a drift net yourself?—Yes, I have one, because I have a crew of men fishing on the beach, and when we have any bad weather they cannot fish there, so, in order to keep them employed, and to help their wages, they go out with this net. Another observation I would like to make is with regard to the effect of the drift nets on the run of fish. They break up the shoals, and in that way we have no opportunity of catching them as they come, singly, and in twos and threes.

Chairman.

15663. How long have you been fishing that several fishery?—Well, my father fished it before me, and I have fished it for the last thirty years.

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MR. HENRY O'NEILL.—continued.

[LONDONDERRY,

Chairman.—continued.

13654. What has the return been in the last five years, as compared with the five years before that?—It is a little better. Last year was a very poor one with me owing to the breezy weather.

13655. Did you catch as many fish during the last five years as you had caught for the five years before that?—Yes, I did, I ought to say the last five years as I did the previous five.

13656. Can you go back and say, then, as regards the last ten years, did you catch as many during the last ten years as during the previous ten?—No, I did not catch as many.

13657. Not in the last ten years?—No.

13658. Then, to what do you attribute that?—Well, a good deal depends on weather with me, sometimes it is a matter of weather altogether, whether I catch or whether I don't, and, if it is rough, I get nothing.

13659. It would not be quite on account of the drift nets, if there were no drift nets ten years ago?—Yes, there were some, but not so many nor to such a great extent.

13660. There were none at all during the ten years before that?—Oh, yes, they have been going the last 50 years.

Mr. Green.

13661. A few at Moyle and a few at Portnewari?—Yes, just a few at first.

Chairman.

13662. The impression that you convey is, that the lengthening of the nets has resulted in their being obliged to shoot them in another place, farther out than before, for room?—Well, they have gone further out in order better to manipulate them.

13663. Is it not so bad for you?—It is worse, in this way, that if they increase the number of drifts, there is less chance of my getting fish.

13664. But if the drifters come nearer to your net, it is not so good?—But the fish are kept away. Another observation I should like to make is this. The most fish we catch is on Monday morning, after Sabbath and Saturday, the weekly close season. We catch most on Monday morning, because the fish have got an opportunity of coming in, and I take it that it is largely the drift net fishing that keeps them off.

13665. Have you kept any record of that?—Yes, I have kept a record, and I can show by my books. I have observed it on Monday mornings. If it is fine we generally have a good take.

13666. What is your fishing season with the drift nets?—From the beginning of June to within a fortnight of the close time. We stop generally before the 26th of August. We generally stop before that unless there are fish enough to pay us to work.

13667. Do you notice any difference from the time the drift net men stop fishing, on the 10th of July, till the latter end of your season of the drift net?—Well, they begin to get scarce as soon as the drift net men stop. They stop from the reason that the fish get scarce.

13668. They stop because the run has ceased?—Because the run has ceased.

13669. Is it grise or is it peal that you get in the drift net?—Grise, the same as we have been taking.

13670. Fish of six or seven pounds?—Yes; I hardly ever see any difference. We might get an occasional odd salmon, but we get these during the season of all times.

Mr. Green.

13671. Did you ever open a fish to see what was inside of them at all when they are coming in?—Yes, sometimes.

13672. Did you ever see whether they are feeding or not feeding?—I have never seen a thing in the stomach of a salmon.

13673. And you have opened them?—I have opened them repeatedly.

13674. And those were the same salmon as were caught in your drift nets?—Yes, I have never seen anything but murre like a white, milky stuff.

13675. And those are the fish that are going up the river?—Yes, those are the fish that are going up the river.

13676. And the fish that they catch out at Bunbeg in drift nets are full of food?—Well, I have never seen them full of food.

Mr. Connaught.—I have often heard it said that salmon didn't eat anything in the sea, and never

touched anything till they went into the river, and I had a good opportunity of observing, because I used to open the salmon at all times, and we got them often full of herrings.

Mr. Green.

In the open sea?

Mr. Connaught.—In our month or six weeks' fishing.

Mr. Green.

Where were those fish caught?—

Chairman.

Were they caught in the open sea?

Mr. Connaught.—They were caught in the open sea.

Chairman.

13677. The point is, that there was food in the stomach?—Witness.—I have opened them repeatedly, and never saw anything but what I have told you.

13678. Mr. O'Donnell.—You believe that those drift net men catch fish that would otherwise come to you?—Well, if you increase the number of drift nets, you prevent the fish coming near the beach.

13679. You would expect to catch them with the drift net?—I would have a chance of getting some of them. If the drift nets were not there, I would get some of them.

13680. That they would come to your net. Now, you fished a drift net yourself?—Yes.

13681. And what was the result?—We got salmon.

13682. Was it a good season for you as regards that?—Well, at some times we got a good take.

13683. Is it a stake net you have got?—No, a drift net, the worst mode of fishing of all.

Mr. Green.

13684. The most tiresome?—Yes.

13685. Mr. O'Donnell.—What was the result of one as compared with the other, which of them paid you best?—Oh, the drift net would pay me best if we got working. The drift net was scarcely fishing at all this season owing to the breezy weather.

13686. You know the length of the season when the drift net is worked?—Yes, about six weeks, off and on.

13687. And I suppose you agree that it is 26 hours in the week that it is in operation?—Yes, from ten o'clock to about two, three or four hours in the night.

13688. Do you think that if the fish get a free run, or any sort of a fair chance, in the river during their 26 hours that they would have to run up, there would be plenty of the species?—I don't think for a moment that there is not plenty to breed coming to the river. I think there is plenty going up the river if they could get breeding, but I think myself that there should not be any netting above the culis in the river. Close netting should not be allowed in the rivers when the fish have run the gamut of so many nets in the sea and tidal waters.

13689. You think that those nets should not be used at all?—Of course, perhaps, they could not be stopped taking them legally, but I think the fish should get a chance for its life when it gets up so far, and nets such as that at the mouth of the Maine should not be allowed.

13690. Do you think that is a fair size of mesh in the river Foyle, a 4-inch mesh for salmon?—I think it is fair enough, because they catch trout.

13691. They catch salmon about?—Yes, and the other point is that you want a strong net where the fish are crowded, and I think it is mostly in the middle of the net that this 4-inch mesh is used, and the smaller the mesh is, the more is the stronger.

13692. Isn't it someone that that particular bye-law applies to no place except to the Derry district here?—I don't know about other districts, but I think it applies to Coleraine district.

13693. You may take it from me that it is only in this district?—They don't kill any small salmon with that small mesh.

Mr. O'Donnell.—There are one or two things that I should like to point out to you, Mr. Chairman, and to the Commission. These great rivers in the North of Ireland, with their narrow mouths and the great salmon-spawning grounds that they have, see, I believe, the only rivers in Ireland where drift net fishing is carried on without limitation of any sort, kind, or description. I have looked through the mass of bye-laws which are given in Mr. Comer's book on the fisheries, and it

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[LONDON: HENRY.]

seems to me that in every river of any magnitude throughout the country where there is any drift net fishing at all those drift nets are regulated by bye-laws made by the Department, except the rivers Foyle and Burn. Now, it is a most important thing that some limitation should be placed on those drift nets, and I would suggest to you, on behalf of the Society, that certain limitations should be put on the drift nets here, that the Government should take steps for that purpose now at this time when the land is changing hands and it becomes so important to preserve the stock of salmon in the rivers. My suggestion is that four limitations should be put on them: first of all that a reasonable limit of distance should be prescribed from the mouth of those rivers within which drift nets should be prohibited; secondly, that the length of the nets should be limited; thirdly, that to assist in the prevention of fishing in the close time the boats should be registered and carry a number; and, fourthly, that apart from stress of weather or exceptional circumstances, the net should be required to be "at home." If I may so express it, during the weekly close season, that it should be at the same port where the boat is, and not lying out on an island ready to be picked up in the dark of the night, but at home, where it can be seen, at the port to which it belongs, unless prevented by stress of weather. Now, I think there is a precedent for every one of those suggestions, and I will call your attention, very shortly, to the bye-laws which have been made from time to time with regard to other rivers by the Department. There is one other matter that I would also direct your attention to, and it is this. Fixed nets, bag nets and others around the coast are all regulated, in the most particular way, by certificate, by the provision of statutes, and so on, and I won't compare for a moment the comparative destructiveness of a bag net with that of a drift net. I am sure that you will see that a drift net far more requires regulation than a bag net does. Bag nets and stake nets are short nets. I think you won't find, throughout the entire country, any other net approaching more than a quarter of the size of the drift net of which you have heard to day. The bulk of them are short nets, very short nets, 100 yards long, and possibly 300 yards long in some cases, but that is the most. These nets must have a fixed site where they must work, and nowhere else, prescribed in the certificate. Those nets are there, and they must take their chance there. If the fish are there they capture them, and if not they don't. But not so the drift net. The drift net hangs in the water just in the same way, but if the fish are not there it is lifted and carried to another spot, while the bag net must take its chance, these either nets, five or six times their size, are earned about from one port to another to fish, and these are numbers of them in this north channel, so that it is almost impossible for the fish to pass, and the marvel, to my mind, is that any one pass; and it is, accordingly, of the greatest importance at this time, from this as well as other considerations, that there should be some steps taken to prevent the destruction of the salmon. My learned friend has referred to the judgment of the House of Lords, but it was suggested by the Lord Chancellor there that it was a proper case for a bye-law to be made by the Fishery Commissioners and submitted to the eminent judges who sit in the Privy Council. And now I will call your attention, very shortly, to a few of the bye-laws that have been made. For instance, in the Liffey, a net of any greater length than 300 yards is prohibited. I find that in the river Slaney the use of a drift net in the river is prohibited. It is prohibited to use drift nets in the river Slaney inside the defined mouth. Now, the defined estuary in this case is some three miles from Maghlin Point, and within that line bag nets are prohibited under the 23rd section of the 26th and 27th of Victoria. Mr. Green will be familiar with the way in which the estuary is defined by the Inspectors of Fisheries, and that three miles limit of the defined estuary covers the entire of the north channel and a large portion of the south channel, and it is inside that very line, where the bag nets, one-fifth of the size, are prohibited, where the stake nets are prohibited, it is there that the fishing with these immense nets takes place. It is there, in the north channel, where it is only 1,200 yards wide, that you have as many as 39 miles of that immense length that you have heard described blocking the entrance from the sea. In the case of the river Foyle, the defined estuary is marked on the map by the line E.E. In the Bellin district there was a bye-law made with respect to Killala Bay in 1888. You will find it at page 236 in Mr. Connor's book. It first of

all prohibited the casting of salmon or trout by means of drift nets inside a line drawn from a certain point in the County Sligo to Ross's Point in the County Mayo. Secondly, it prohibited the use of a drift net of a greater length than 300 yards. Thirdly, it provided that two or more nets should not be tied together, and, fourthly, that the fishermen must remain on board if the net is used for salmon. We say these nets should be prohibited in the district where bag nets are prohibited, because they are much more destructive and much larger, and can follow the fish when the bag net cannot. There is a bye-law, made in 1892 or 1896, with respect to the Shannon, that no drift net of greater length than 130 yards shall be used between Lismore and a line drawn below Askeaton, or 230 yards in any part of the river, and that no two or more of them shall be attached together or allowed to drift within 150 yards of each other in the river Shannon, and that no drift net, behind or seaward of a line drawn across the river, shall be used within the line of low water; that no drift net shall be used in Clonsilla Bay, and so on. Now, there are other bye-laws requiring boats to be registered, and to bear a number, and you will find that a bye-law to that effect was made at Lismore, and that every boat used in salmon or trout fishing in the Lismore district shall be marked in characters six inches in length and one inch in breadth, with a number corresponding to the number in the licence and the licence issued with the number used by the boat. And there is a similar provision in the Brandon division of the Cork district, where boats used in salmon or trout fishing shall have marked on each boat, and so on, figures in respect of the licence. And, as regards the fourth suggestion that I have to make, namely, as to the nets being at home, there is a bye-law that a net must not be on board a boat during the weekly close season. The boat should come home, and with it its net. And if the net is at home there, as was intended under the bye-law, at its own port, what hardship could that be? The Portswater men have told you that they always bring their nets home to their own port. I think the only exception suggested was in one instance where stress of weather prevented it.

Mr. O'Donnell.—And that was Morville.

Mr. O'Connell.—I can see no objection that can be made to their bringing home the nets if it is not intended to fish them in the close season, and I submit very strongly, on behalf of the Irish Society, that you as a Committee should place your views, as far as you see right, before the Department, and first, that the drift nets should be prohibited within the same area as the bag nets, that is, the defined estuary; secondly, that a limit should be put upon the length of the nets. They have crept up from 200 yards to 2,500 yards, and I think that 400 or even 500 yards should be the utmost limit of the length of the net. I think that you will find that there is no fixed net stationed throughout the entire country approaching that in length.

Mr. Green.

On the Mayo coast a bye-law limits nets to 800 yards.

Mr. O'Connell.—There is a 400 yards limit in the Mayo, and there is a 150 yards limit in parts of the Shannon, and I believe there are even smaller limits, and in Scotland, where drift net fishing is illegal altogether, there was no net of greater length than 150 yards on a river that was immensely broader than the Foyle, namely, the Tay. I submit to you very strongly that these four suggestions are all proper and reasonable, and I would ask you to bring them before the Department in such way as you see right in order that they may take such steps as may seem fit at this crucial time, and have some provision made, while there is still opportunity, to preserve the salmon fisheries of the country for the good of all.

Mr. O'Donnell.—Gentlemen, I expected that my friend here would take a little higher ground in the interests of the present proprietors, on whose behalf this Committee is holding evidence more than anything else, but instead of that he has given us a long lecture on a matter that has been thrashed out time and again by the Foyle and Burn Fishery Company. He has given us a lecture similar to what we have had in the case of the Irish Society against the drift net fishermen, and in that case the Judges held that there was no obstruction. Lord Chancellor Walker said upon the first question, the question of obstruction: "Did the defendants, in the words of the first

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[Lancaster.]

paragraph, create an obstruction to the passage of salmon to the river Foyle, and a nuisance, and upon this first question I am unable to find, in the acts of the defendants, even taken together, sufficient to establish the existence of an obstruction and a nuisance, having regard to the relative rights of the plaintiffs and of the defendants, which parties *foie*, are equal." Our right to catch fish, as members of the public, outside the river Foyle or Lough Foyle is equal to the right of the owners of the several fishery. We stand on an equal footing with them with regard to the capture of salmon or grise, and we say that it is not fishing for 20 hours of the week, for six weeks of the year, that is responsible for the depletion of the fish in the river. It is the over-fishing of the rivers there from April to August by drift nets and stake nets, and in other ways of destruction possible, and there is no evidence at all given here that there is any material diminution caused by or that can be put to the credit of the drift nets. Mr. McDermott could very well, I submit, have assisted the Committee, could have assisted them very materially, by giving them the returns for 1908, 1909, 1910, and 1911, which were, as I am informed, good years. He could have disclosed as all of that view, and have given very valuable information to the Committee how about that, but he has not done so, and I don't know what the Committee may do about it, but the man in the street can draw his own conclusion why these figures are kept back and not given here to-day; and, I submit, that when this industry is carried on, as at present, attended as it is with great difficulties, it is unreasonable, most unreasonable, to suggest that any further restrictions should be put on it, or that you should deem that, in the interests of the public, it is at all necessary either to shorten their acts or to put them out any further on the evidence that has been given to you here by the Irishmen people, that if you put these men out to where it is suggested that we should be put out, you will leave us on an equal footing with any foreigner that likes to come in, you will be penalising your own people by putting them out beyond the three miles' limit. Any foreigner can go to the three miles' limit. Whether it is close season or anything else, he does not observe any close season, and if you put out these poor men on an equal footing

with them, I think that is rather much to ask or expect from any reasonable men, and I submit that, on the whole, there has been no evidence given at all here to-day to justify that. Of course, you have seen by the map put in that we fish 14 miles at least from the mouth of the river Foyle, or 15 miles, and I say, with so short a season as ours, it is a purely imaginary thing to say that we are in any way responsible for the depletion of fish in the river, if the fish be allowed to go up during the rest of the time. You might think, from the arguments of the Foyle and Bann Company, that the fish only come up at those particular two hours of the night, the only time during the 24 hours. And the suggestion is that we catch all the female fish, and the Foyle and Bann Company are so careful that they only get the male fish, and that we stop the breeding fish going up. What chance have the fish to go up for breeding purposes into the narrow waters, where the drift nets are drawn one after another? As the evidence has shown you, they don't start to draw one net till they have another set, so that there is no possibility, from the time these drift nets commence, for the breeding fish to go up at all, except during the close season. And, I submit, on the evidence, that they have no real grievance against the drift net fishermen. As to the peasant proprietors, they are not represented here to-day, as far as I can see. This whole proceeding here to-day has simply been repeating what has already been heard before the Courts and decided. The peasant proprietors, as to whom this Committee has been sitting to find out what effect land purchase will have on the fishing, have not been heard here at all through any witness, and they are not represented, but, if they exist, we say we are on an equal footing with them, and that we are entitled to pursue our industry as we have been pursuing it, and it is, in all conscience, under difficulties enough as it is.

Chairman.

This ends the inquiry so far as this particular question. Of course, we have the shorthand notes, and, although the Committee have only been represented by three members, every member will have a copy of the evidence and statements that have been given here today.

The Committee adjourned.

TWENTY-SEVENTH PUBLIC SITTING.

FRIDAY, 15TH MARCH, 1912.

At 10 A.M.

At the Courthouse, Enniscorthy.

PRESENT:

THE RIGHT HON. SIR DAVID HARRIS, K.C.S., K.C.V.O., Chairman.

THE REV. JOHN PENTLAND MARSHY, D.C.L., LL.D., C.V.O.

MR. W. S. GREEN, C.B.

MR. R. H. LEE, Secretary

Chairman.

I do not suppose it is at all necessary to make any observations in opening this inquiry. I desire you are all aware of what has taken place in other portions of Ireland, that we have been holding sittings as a Departmental Committee of the Department of Agriculture for the purpose of inquiring into the effects which the changes in the ownership of the land in Ireland under the Land Acts have had, or may be expected to have, on the fisheries of the country, and particularly on the salmon fishing industry, and to make recommendations. Now, the primary subject of consideration here, therefore, is the position the tenant proprietors will occupy in the changed condition of

Chairman—continued.

affairs, with regard to the fisheries, but in making these inquiries we have been obliged to bear in mind that the interests of the tenant proprietors are inseparably connected with the interests of the rivers at a whole, and that if the rivers become more valuable the tenant proprietors will participate in the increased value. If the rivers deteriorate, then, of course, they will lose any benefit that might accrue to them relatively. So, therefore, although the terms of reference appear to be rather confined, we have gone into subjects affecting the general welfare of the rivers, and we propose to do that to-day, but it will be as shortly as possible.

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MR. MICHAEL DONOVAN, examined.

[BY MR. GOSWORTHY.]

Chairman.

13694. What is your position, Mr. Donovan?—I am clerk and inspector of water bailiffs to the Conservators.

13695. You will be able to give us, I presume, statistical information, just to get on the water the particulars relating to the Slaney river?—Yes, sir, so far as I know.

13696. And can you tell me, first of all, what is the length of the Slaney and its tributaries?—Well, the Slaney itself, from the mouth of the river to the source, is about 70 miles.

13697. Now, what do you mean by the mouth of the river?—Where it enters into the harbour, Wexford Harbour.

13698. That does not include the estuary?—Yes, inside.

13699. Then, about how many miles would the tributaries be?—Well, we have the Bore here, it may be 16 or 15 miles; and we have the Urra here near the town, it might be more, running up to the mountains; then we have the Derry, running up to Timahilly, and the Derreen.

13700. Are those the principal tributaries?—They are.

Dr. Mahaffy.

13701. Do they reach into the County Wicklow?—Yes, they go into the County Wicklow.

Chairman.

13702. Now, what is the extent of the estuary that comes within the jurisdiction of the Conservators?—Well, the extent is from Wicklow Head to Killybeg Bay, comprising all the rivers that run into that portion and their tributaries.

13703. What are the principal rivers that run in there?—Well, we have the river Losh and the Ounavarra. Then we have a small river, the Blackwater, here, on the sea coast, and salmon come up there to spawn. Then we have the Barrough river down below Dunmoreway.

13704. Any more?—No, not on the sea coast.

13705. Are those all fishable rivers for salmon, or are some of them only spawning rivers?—Well, they are fishable.

13706. All?—Except the Blackwater.

13707. Is it a small spawning river?—Yes.

13708. I presume that the Slaney is an important fishable river?—An important fishable river.

13709. How many Conservators are there for this district?—There are 17 or 18. There are six elected, and the remainder ex-officio.

13710. Six elected?—Yes; three for the tidal and three for the fresh water.

13711. Are the tidal Conservators elected for the estuary of the Slaney?—Yes.

13712. And the other three, of course, are elected for the higher district?—The fresh water. They are elected by divisions.

13713. How many ex-officio are there?—Well, there would be eight or ten.

13714. So the combined body would be about 15 or 16?—15 or 16.

13715. Where do they meet?—They meet in the courthouse.

13716. How frequently?—Once a quarter, except something special might arise.

13717. Is the attendance pretty good?—Pretty fair, 7, and 8, and 6, and that way.

13718. Do some of them come from a distance?—Yes.

13719. Do some of the elected come from a distance?—They do. Well, the elected don't live so very far away.

13720. Now, have you any papers here from which you could give us an idea of the income and expenditure of the Conservators?—I have. I have a copy of the abstract that is furnished to the Department at the end of each financial year, and that is the 31st of October, the financial year.

13721. I suppose you can hand that in, can you?—Oh, yes.

13722. Have you a copy of it that you can hand in?—I have not.

Mr. Moffatt (Solicitor for the Conservators).—If any copy is wanted I will have it made.

Chairman—continued.

13723. They are published, Mr. Green informs me, in the annual report. To WITNESS—When does your year end?—The 31st October.

13724. Well, for the year ending the 31st of October, 1911, what was the income of the Conservators?—£477 8s. 3d. They had that amount in hand after paying all.

13725. That is the balance. I want to know what the income was. What money did you receive during the year ended 31st of October, 1911?—We received £699 10s. 4d.

13726. Then, really you held a whole year's income in balance?—Yes.

13727. Will you tell me the sources from which that income of £460, odd, is derived?—First, for single rod and line, £14, at £1 each; cross-line, 60s. £3; draft nets, 87s. at £3; and pole net, one, at £2.

13728. Where are those draft nets—in the estuary?—Yes, in the tidal portion.

13729. How much did you say?—87, last year, the number.

13730. Any other source of income?—We have also the fines, £17 14s. 8d.; produce of sale of forfeited engines, £1; amount of rates received, £35 15s. 0d.; interest from bank, £3 15s. 8d.

13731. That is the whole of it?—That is the whole of it.

13732. Now, I see the amount of rates is £35?—Yes, £35 15s. 0d. That was collected last year.

13733. There are no voluntary subscriptions, are there?—No, sir.

13734. Do you not get any grant from the Department?—No, sir; they make no application.

13735. That £15 is a rate derived from the imposition of 10 per cent. on the whole of the fishings?—Yes, sir.

13736. Who collects that?—I do, sir.

13737. Then the rateable value of the fisheries of this district, the Slaney and its tributaries and the other fishable rivers that you have mentioned as being within the district, would be about £390?—Yes, sir, if they were all paid up, but when a man takes out a licence that amount is deducted from his rate. It is only the balance then that he pays if there is anything over £1.

13738. But surely the majority of holders of rod and line licences of £1 each are not proprietors of fisheries upon which a rate would be levied?—I think they are.

13739. And then the not people down below are not rated at all?—No, sir; they are not.

13740. It would only be the people in the upper waters that are rated?—Yes, the fresh water. That is the list of valuations furnished by the Department. (Witness refers to document.)

13741. You say that is a list of valuation furnished?—From the Department. I suppose the rate is struck by reversing the value.

13742. But the Department don't appraise the valuation?—Well, this list is called up every year for revision to the Department.

13743. To the Department of Agriculture?—Yes, the Fisheries Branch.

13744. Even assuming that 150 rod licences are deducted, that would make the whole valuation only £300 odd a year?—Yes.

13745. Do you think now that the entire valuation of the Slaney and its tributaries and the whole fisheries of the district is only equivalent to £300 a year?—Oh, it would be worth more, sir.

13746. And, therefore, anything that is not valued does not pay the 10 per cent?—No, sir.

13747. And if you don't get the 10 per cent., of course the income of the Conservators is reduced to that extent?—Oh, it is, so far as the rates are concerned.

13748. Now tell me if you can give me an idea of how the money is spent?—I can, sir.

13749. You don't appear to be badly off when you have such a large balance?—No, sir, they are not badly off. The expenditure is made up this way:—Water bailiffs' wages—shall I give the amounts?

13750. Tell us how many bailiffs you have?—We have thirteen all told in the close season, and seven in the open season.

13751. That is thirteen, and what is spent on them?—The wages are £379 9s. 0d.

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Mr. MICHAEL DENOVAN—continued.

[REINSTATEMENT.]

Chairman—continued.

13752. Do they give their whole time to the business of water bailiffs?—Seven do, and the others are only occasional.

13753. Then you have seven all the year round, permanently?—Permanently.

13754. And you take on six additional men during the close season?—Yes. Then the expenses of prosecutions amounted to £60. 5s. 1d.; postage, £3 5s. 9d.; printing, £11 6s. 9d.; travelling and miscellaneous expenses, £20, 13s. 10d.; proportion of penalties to prosecutors, £1. 10s. 10d.

13755. Now, that is your expenditure. Do you consider that the staff you employ is sufficient, that the thirteen in the close season are sufficient to protect the river from poaching, and the seven in the open season?—Well, they give a fair average protection, but I don't think it is sufficient.

Mr. Green.

13756. Are there not bailiffs paid by proprietors in addition to that?—There might be one or two.

Chairman.

13757. Only that?—Yes, one or two.

13758. Now, of course, you have a knowledge of changes of ownership in the district. You have some general knowledge of that?—Yes, sir.

13759. First, how many large proprietors are there who own portions of the Slaney?—Well, there is the Earl of Portsmouth, and Mr. West on further; and Mr. Ridd has fishings; and Major Rutledge, and the Dundas property; and then you go into Mr. Hall Darr's property.

13760. Have any of these estates been sold to the tenants?—I think there is one.

13761. One only?—Yes, so far as I know.

13762. Have the fishing rights passed to the tenant in that case?—Yes, he fishes on it.

Mr. J. L. Scollon (Solicitor for Tenant Purchasers).—That is not so. The one purchase mentioned is on the Portsmouth estate. There are a couple of other cases in which tenants may have purchased out, but in the case on the Portsmouth estate the fishing rights have not passed to the tenant.

Chairman.

13763. How much of this river is still retained by large proprietors?—The number that I gave already.—The Earl of Portsmouth, Mr. Ridd (he has two or three fishings), Mr. West; then there is Major Rutledge and the Dundas property; and then you go into Mr. Hall Darr's property up as high as Newtownbarry.

Mr. Green.

13764. And a great deal beyond that?—Oh, yes. Then about Tullow there are two parties there that have purchased.

Chairman.

13765. Have tenant purchasers purchased any portion of the lands on the properties of the gentlemen you have named?—I am not aware.

13766. You say that that there are only two or three private bailiffs in the district to supplement the paid bailiffs of the Conservators. Then do all those gentlemen that you have named rely upon the bailiffs of the Conservators?—They do; and it is in the open season that they employ those people principally. They fish for them and they keep an eye to the river in the meantime.

13767. They are paid merely?—Yes.

13768. Now, can you give the Committee any information with regard to the lands that have passed to tenants?—Well, we have three instances where the tenants have been convicted of poaching.

13769. We don't want that just at present, but what we want to know is: can you give us any information now as regards the properties that have been sold, where the fishing rights have come into the possession of the tenant, and what is happening there now. Do you know any instance in which tenants have purchased?—I think there are about three.

13770. Do you mean in the whole district?—Yes, so far as the property that I know is concerned. There is one at Yonacurra, and two up near Tullow in a place called Owa.

Chairman—continued.

13771. Is the case of any of the tenants who have purchased and so where the fishing rights have passed, have they let the fishings?—They have.

13772. To any of those gentlemen whom you were speaking of?—Yes.

13773. And when you say those gentlemen have those fishings, is a portion of them derived by letting from the tenants?—From the tenants.

13774. It is not that the ancient rights were reserved, but that the rights passed to the tenants?—And they sublet it.

13775. I suppose you are quite acquainted with the particulars?—No, I am not.

13776. About the estuary, what do the Conservators do there by way of bringing about observance of the law and preventing illegality in the weekly close season, for instance?—They employ three six in the close season and six in the spawning season for the estuary, from Edersine Bridge down to the mouth of the harbour.

13777. That is protecting only the close season?—Yes.

13778. And I suppose at that time your other seven are off up the river protecting the spawning beds?—Yes.

13779. But in the open season in the estuary, how are the weekly close times observed?—There are three special men. There are two special men put on on Saturday and Sunday, with the head water bailiff who lives down the river.

13780. Now you said that although you thought that the number of bailiffs employed at present discharged the duty fairly well, at the same time it could be improved on?—Oh, it could, of course.

13781. As regards spawning fish?—Yes.

13782. Is there much poaching?—Well, we had some convictions for the year, I think about twenty-seven prosecutions for last year, up to the 31st of October.

13783. For what sort of offence?—Well, various offences, from setting a night line to having a fixed engine in the river.

13784. Any poisoning in the river?—No, sir.

13785. None of that?—No, sir, we have not discovered any of it.

13786. No explosives or dynamite, or anything of that sort?—No, sir; we haven't discovered anything of that.

13787. Well, unlawful netting?—Unlawful netting.

13788. Is there unlawful netting?—Yes.

13789. And in the close season and the spawning time, what way do they take the fish?—There are two cases that occurred there some short time ago in Ballymagh, where two men netted the river above the mill-wheel and were caught and fined £10 each, and they are presently at jail.

13790. And so far as the penalties go, when you do convict the law is upheld and the penalties are enforced?—Well, in some cases it is upheld and in more cases where there is a memorial sent forward, there has been a reduction of the fine.

Dr. Makoff.

13791. Is there any trout fishing in the river?—Oh, yes, sir.

13792. Sea trout?—Sea trout.

13793. Is this river a sea trout river?—Yes, sir.

13794. Is the fishing valuable?—Not so far as the sea trout is concerned. There was a poor run last year.

13795. They run into other rivers up the estuary?—The sea trout, yes, sir.

13796. And as that fishing able to be let, is it valuable and do gentlemen take it?—Well, it is principally in the latter end of July. There is a very little rod fishing then. Nearly all the rod men are gone away.

13797. That is salmon fishing. They don't come to fish for trout at all?—No.

13798. Not good enough?—Not good enough. It is only in the nets that they catch the white trout principally.

13799. What about the spawning of the sea trout, are they found spawning up higher?—Yes, they are.

13800. The bailiffs find them up there?—Yes.

13801. Well, the white trout fishing in the month is not good enough to be able to be let?—No, it is not.

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MR. MICHAEL DUNNAN—continued.

[BY MR. COFFEY.]

Dr. Mahaffy—continued.

13802. What about the brown trout fishing?—Well, up about Tulrow and down about the Glen of Innel, it is a very good place for brown trout. They come down from Dublin to fish there.

13803. Are they a good quality of fish?—Yes.

13804. Red as the fish?—Yes, and stout.

13805. Is it let as a property there, or do people come just for it?—Well, it is free fishing for brown trout.

Mr. Green.

13806. Are all your baillifs on the Slaney and its tributaries, or have you any baillifs at all for the small rivers?—Yes, sir, there are two on the Derry. That is the only river where there are baillifs on, because on the Derron that is a tributary of the Slaney, and a man lives quite convenient to it at Tulrow and looks after that, and we live here and we look after the Boro and the Urrin.

13807. Leaving the Slaney and its tributaries alone, have you any baillifs on the rivers that are not flowing into the Slaney?—No, sir.

MR. JOHN DEATHE, examined.

13813. Mr. Scallan.—You were a tenant on the Portmouth estate?—Yes.

13814. You have a large holding on it. How many acres do you hold?—In or about 300 English acres.

Dr. Mahaffy.

Along the river?

13815. Mr. Scallan.—I will come to that. Now, a portion of this does not adjoin the river?—A large portion does not adjoin the river.

13816. How much have you along the river?—About 100 acres.

13817. Now tell us what happened when you were negotiating for the purchase of this?—When I was negotiating for the purchase of this I would not be allowed to buy any other place that was not connected at all unless I gave up my fishing rights. I asked to buy the larger place where I live on and not to buy the fishing place, and I objected to give up my fishing right on this farm that I was fishing on, and I would not be allowed to purchase one place without purchasing the other.

Chairman.

13818. What do you mean by giving up your fishing right?—You hadn't it before?—Well, I was allowed to fish, sir. We always fished—the tenants. We had these rights. We were never prevented.

13819. Mr. Scallan.—You had to give up your fishing right in order to purchase out?—I had.

13820. And since that you have had no interest whatever in the fishing?—Since then I have had no interest whatever in the fishing.

13821. Are you aware is there any fishing taking place on the river?—Well, I wouldn't like to go and inform of poaching taking place on the river, as I have no interest in it now, but I think the river isn't watched. There is poaching there, and there are bad fish taken out too by poachers fishing on it. One of the men of a gentleman who has a fishing there was prosecuted for taking bad fish.

13822. That is one of the men who look after the fishing for him?—Who look after the fishing for him.

13823. Now, there are two baillifs on this river, up how far?—I never saw more than two baillifs.

13824. And do you think that that is sufficient for the preservation?—I don't believe it is sufficient, and I believe that if the tenants had an interest in the fishing they would stop poaching better than these baillifs could stop it, and any place where one of these baillifs goes out he is watched and other men poach. He is watched by men set on him, and I believe poaching is carried on with pearl fishing in boats at a time when he is not there. They come up to fish for pearls and they get salmon, and they can take the salmon out of the pool. In one case I have known where there has been a line drawn across the head of a stand where the water was slack going out, with pieces of tin put on it to let up the salmon. That was evidently for people to come up after and get those salmon in the river, to keep them from going up.

Mr. Green—continued.

13808. You leave them to look after themselves?—Yes.

13809. Altogether?—Yes.

Chairman.

13810. Will salmon spawn up there in the spawning season?—Just some odd ones.

13811. If they were more looked after, I think there would be more salmon seen?—Likely there would be.

Mr. Green.

13812. Have you ever known any poaching to go on in these small rivers during the spawning season?—No, sir, and we have made inquiries from time to time.

Chairman.

Now we have got some information as to the area of the river and the circumstances of the Conservators, and I don't know whether any of the tenant purchasers desire to give evidence.

13825. Mr. Scallan.—Did you ever see some dead fish in the river?—Yes, I did. I saw dead fish in the river last year.

Mr. Green.

13826. Whereabouts is this done?—On the Portmouth estate, about a mile and a half up.

13827. Mr. Scallan.—Do you know if there is any trout fishing there?—I have known when I was fishing that myself, and some friends have caught two dozen of white trout in one night on one fish.

Chairman.

13828. On one night?—How?—With rod and fly on a fat nest to my fishing, on the lands of Kilsannon.

Dr. Mahaffy.

13829. Night fishing with flies?—Night fishing with flies, sir, in the month of June.

13830. Mr. Scallan.—Did you hear any rumour as to poisoning of the river?—I did.

13831. Was that last year?—Yes, last year. Dead fish came down.

Chairman.

13832. What was it poisoned for?—I don't know.

13833. Mr. Scallan.—Were you talking to a tenant on the estate who has got the fishing rights there?—Yes.

13834. Which has since been let?—Next Lord Portmouth's estate.

13835. He has that fishing rights?—He has the fishing rights.

13836. And he looks after it well?—They mind it themselves and they set it.

13837. And the same way with Mr. Roache's and on the Monck estate?—Yes, and the Monck estate, and they do the same.

13838. And Bryn?—And Bryn, and Barbour and Swaine.

Dr. Mahaffy.

13839. They let to private fishermen?—Yes, and some of them fish it. Bryn fishes it himself.

13840. Mr. Scallan.—And at the same time they look after the river?—They look after the river.

Chairman.

13841. About how many on Lord Portmouth's estate as well as yourself have lands on the river?—I can count them up—Yates, Bittle, Walsh, Quinn, Beugh, myself, Barbour, Wood, Mr. O'Gorman, Mr. Hay—that is all.

13842. Were the rights recovered by Lord Portmouth on the sale to all those tenants?—Yes; we had to sign a paper after some time. We were holding out.

13843. We only want to know the state of the case at present. Has the fishing on the river appurtenant to the holdings of those tenants been let by Lord Portmouth?—It has, sir.

186A March, 1912.]

Mr. JOHN DEATON—continued.

[DUNDEE COUNTY.]

Chairman—continued.

13844. Then, at any rate, it is not derelict?—No, sir.

13845. It is let?—Oh, it is let.

13846. Is it all let to one person?—It is all let to one person, an English gentleman.

13847. An English gentleman?—He publishes that he has the letting of it, in keeping off trespassers.

13848. Mr. O'Flaherty (Scholar for Lord Portmouth, Lord Carver, the Bantock estate and the Dundas estate).—Before the sale to you I believe anybody was allowed to fish there?—No, sir, they were not.

13849. Who prevented them?—For instance, I prevented them when I was fishing. I prevented them from fishing on my stand for the first couple of days till myself and my friends fished it.

13850. And after that anybody might go there and fish?—No, they might go and have their permission to fish legally, not illegally; men that had licences.

13851. How many people all this time did you prosecute or get convicted for illegal fishing?—I never had to do it.

13852. Why hadn't you to do it—you never had anybody on the look out for that?—No, because they always stopped off when I asked them to stop off.

13853. You say that for the first few days you fished it yourself, and they were not prosecuted after that, so that they stopped off for the first two or three days to let you have your whack?—With the exception of Lord Portmouth's servants.

13854. And, after that, was there anybody on your land ever prosecuted for illegal fishing before the sale, or did you take any steps?—If there is—How do you mean? Is it for illegal fishing? Is it unlawful fishing? Fishing without a licence?

13855. Any sort of illegal fishing?—Well, I don't know that there was. I never prosecuted.

13856. When you seem to convey to the Committee is, that since the sale there is any amount of poaching going on because there is nobody to look after it, but that if you were looking after it there would be any amount of convictions. Is that what you want to convey to the Committee?—I do not want to convey to the Committee that there was no poaching before the sale, because I believe there was poaching before the sale, but I want to convey to the Committee that if we had an interest in the fishing of the river we would be very careful to see that there would be no poaching.

13857. Why weren't you careful before the sale?—I was, because I was a Conservator at the time, and I wouldn't allow poaching to go on.

13858. But you didn't know that there was poaching going on?—I think there was.

13859. And you didn't stop it?—Certainly, if I saw it, I would have done my best to stop it.

13860. But your best was not successful?—How do you know?

13861. Because you didn't stop it?—Because I never got a conviction.

13862. Since Mr. Lawrence has got it he has somebody trying to look after it?—Witness. Has he?

13863. Hasn't he got some bailiffs?—I don't know. I think one of those bailiffs was prosecuted.

13864. You say that where the tenant purchasers have bought out their holdings with the fishing rights they are looking after it very carefully?—I do.

13865. And there is nothing wrong going on there, I suppose?—No.

13866. You know a man called Bryan?—Yes.

13867. Bryan, of Tonsourra?—Yes.

13868. Would you be surprised to hear that he was convicted?—I would.

13869. For unlawfully taking and killing slack fish?—I am surprised to hear it.

13870. Now, supposing that you had this fishing, what would you use it for—would you let it?—No, I might use it for to have a day's fishing if I wanted to do it.

13871. And I suppose you would do what you did before, take the first couple of days' fishing, and then let anyone come on it?—I would not like to deprive anyone, if I had permission to fish myself, when I saw anyone else coming, for I hadn't authority to do so.

Dr. Makoffy

13872. How many salmon stands have you on your land?—Four, sir.

13873. And I suppose you can't reach across the river?—A good fisherman could reach across the river.

Dr. Makoffy—continued.

13874. Can you wade it?—No, but I could throw.

13875. A man on the opposite bank would interfere with you very much?—A good fisherman on the opposite bank could cast across to my side.

13876. That would interfere with you?—Well, I don't know.

13877. Have you any fishing on the opposite side?—I have often seen one man coming down and staying a few minutes on a stand and another man coming afterwards.

13878. Who owns the opposite bank?—Major Richards.

13879. Mr. O'Flaherty.—Of course, all this time before the sale anyone was coming along the river?—Well, a number of people.

13880. Now, I take it, that there are only a few who are allowed to go?—Only a few.

13881. Don't you agree with me that there is a much greater likelihood of illegal fishing, and the taking of bad fish, and so on, when there are hundreds of people going without having a right to go, as compared with when there are two or three sportsmen going?—No, I wouldn't say so. Why would I say that? If there was a number of fishermen fishing they would be careful to see whether there was unfair fish taken or not, because I think they would be very particular, if they wanted to preserve the fishing, to see it was properly fished. I don't think we are so bad at all.

13882. As a matter of fact, wasn't there, before the sale, a good deal more of the taking of slack fish?—As a matter of fact, it was not unlawful to take slack fish a certain number of years ago, a good number of years ago. It is only lately this bye-law came out not to allow them to take slack fish.

13883. I suppose everybody took slack fish in those days, and nobody thought there was any harm in it?—I suppose they did.

13884. It was so common that they thought that anybody might take them?—It was so common that they didn't know the difference.

13885. Were you a Conservator?—They were not taken that time.

13886. What time?—Thirty or forty years ago. Any kind of fish. They have given up taking that kind of fish lately altogether. People don't use them.

13887. Now, you say there was a line put across the river. When did that take place?—Well, I think that was about ten years ago.

13888. That was before the river was preserved by Lord Portmouth?—But that is so still, a good deal of night lines set.

13889. But that was ten years ago, before Lord Portmouth or Mr. Lawrence preserved it all?—It was.

Dr. Makoffy.

13890. What do they set the lines for?—They set them for trout.

13891. Not salmon?—Not salmon, sir. They set them principally for trout.

13892. Mr. O'Flaherty.—When did you see any dead fish?—I saw one of them last year.

13893. What sort of fish was it?—Salmon.

13894. Mr. Moffatt.—What time of the year?—It was, I think, in or about the month of April.

13895. Slack fish?—I couldn't say whether it was a slack or not, but I know a man that took out a telly fish dead.

13896. There has been, at any rate, whatever be the cause, a great increase in the last few years in the quantity of salmon in the river, isn't that so?—I don't think so.

13897. Haven't you heard that frequently?—I have not heard that.

13898. For instance, at the inquiry that was here, didn't you hear that the quantity of fish taken out by night lines had greatly increased?—Indeed, I had so little interest in it I didn't know about it. I didn't hear it at all.

13899. Don't you know generally from your experience that whenever not only fishing rights but sporting rights or shooting rights or anything else is given, that the tenants have all between them, the fishing or shooting disappears?—No. I know quite the contrary. I know that we have got the sporting rights as far as the shooting is concerned, and we have twice the quantity of partridge that we had before that. We preserve it, and if we had the fishing we would preserve it too.

15th March, 1912.]

MR. PATRICK CONN, EXAMINED.

[JENNINGS.]

18900. Mr. Scallan.—You are a tenant of the Portmanmouth estate?—Yes, sir.

18901. And you live on the river?—Yes.

18902. Right opposite it?—Yes.

18903. Now, did you see any dead fish coming down the river?—I did, last June, at the latter end of June, or the first day of July; I couldn't say which.

18904. And you got them out yourself?—Yes.

18905. Were they dying fish?—Yes, one dying fish; and a good number of spring trout came down with it.

Mr. Green.

18906. Was not the water very low then?—Yes, the water was low. It was the month of June.

18907. Mr. Scallan.—Do you believe those were poisoned?—I could not say.

18908. Did you ever see any lines stretched across the river when you were down there?—Yes. I was trout fishing myself, and I was wading down through the middle of the water and saw lots of tin and bars from the railway, nets, and stones on the pool at the top, and of this was low water the fish coming up would go back.

Chairman.

18909. How long ago was that?—About six years ago. It might be seven years ago.

18910. Was the fishing not at that time?—I could not tell you.

18911. As a matter of fact anybody might come along there and you don't know whether they have a right to fish there or not?—No.

18912. And as a matter of fact do you know if there is any poaching or bad fish taken from the river?—No, I don't know.

18913. If you had an interest in it, I presume you would look after it better than it is looked after at present?—We have no interest at the present time.

18914. But you would look after it if you had?—Oh, yes.

18915. What length of river bank is there on your land?—Well, I think it is about a quarter of an English mile, if it is not more.

Dr. McKaffy.

18916. How many salmon stands are there on it?—Three.

18917. Mr. O'Flaherty.—You have had a long experience of this river?—Forty years' experience.

18918. Now, isn't it better preserved and better looked after within the last six years than it was, say, twenty or thirty years ago?—It is better looked after than it was forty years ago.

18919. It is better looked after than it was, say, twenty years ago?—I think so.

18920. There was a large amount of poaching on it?—I could say that.

18921. And a lot of taking of bad fish?—Well, you know they can't do that now, but some years ago they used to bring them out and sell them there, because there was a car coming up there, and they could come and buy them there.

Chairman.

18922. May I ask you to bear with me. All this is very interesting, but all the evidence is confined to cases where a change has taken place in the ownership of the land, but where the fishing rights have been reserved, and we should like some evidence now as to properties where changes have taken place and where the fishing rights have come to the tenants.

18927. Mr. Moffatt.—You are one of the bailiffs of the Conservators?—Yes, sir.

18928. And is charge of the Tullow district?—Yes, sir.

18929. Do you know a man named Sheppard, a tenant farmer?—Yes.

18930. Do you know another named Holden?—Yes.

18931. Are they tenant purchasers of land who have bought out under the Government?—Yes.

18932. Have they got themselves the fishing rights?—Yes.

18933. The fishing rights are not reserved to the landlord, and therefore they go with the land?—Yes.

18934. Mr. Scallan.—I am afraid we can't show that. There is no case of that. There are a number of other tenants here who have not bought out, and who cannot buy out, because the landlords won't give them the fishing as well as the land.

Chairman.

You must remember that we are not here to criticise the particular methods that are adopted in the sale of estates. We have nothing to do with that, but what we really want to get at is in cases of that description, if there be such cases, information as to what has become of the fishing, and what is being done, that is in cases where estates have been sold and where the tenants have acquired the fishing rights.

Dr. McKaffy.

18934. When a bad fish is taken out of the river is there any sale for it or is it any good to anybody?—No, not now. You would be prosecuted now.

18935. Was it ever?—Well, I think they used some.

18936. And do they sell them?—I am not an expert.

Mr. Scallan.—They used to eat them. In that case, Mr. Chairman, the only evidence I have to give you is with regard to estates where they have been negotiating for the purchase and where the tenants have been holding out to get the fishing rights and the landlords holding out for retaining the fishing rights.

Chairman.

We are not here to interfere or to express an opinion even in the most indirect way on these questions.

Mr. Scallan.—I quite see that. The only point is with regard to the Portmanmouth estate. The tenants on the Portmanmouth estate at the present time who have not got the fishing don't know who are poachers and who are not, because anybody might come along, and if the tenant says "What right have you to come here?" he may say, "I have a right to come here and fish." There is one gentleman here, Mr. Hughes, and only on Sunday morning he was walking and he met a man carrying a gun. He asked him what right he had, and the man said he had a right of way so long as he was keeping within six yards of the river.

Mr. O'Flaherty.—It is not to be assumed if Mr. Lawrence had the fishing that there is anybody authorised but himself.

Mr. Moffatt.—It seems to me that the answer to Mr. Scallan's observation is shortly this, that when a tenant did see anything wrong, such as that line drawn across the river or dead fish coming down the river, he should send word to the proper authority.

Mr. Scallan.—But they had no interest in it. It was nothing to them if there were fish taken every day of the week.

Mr. Moffatt.—As regards what you said, Mr. Chairman, about tenants who have purchased the land and got the fishing rights, my experience is that there is very little of that class of tenants here at all, but I can call evidence to show that on the two estates that we know of the bailiffs have had considerable trouble in watching tenants that have purchased the land and got the fishing rights, and, therefore, I will, with your permission, put up the water bailiff in the Tullow district in the first place.

Chairman.

On what river?

Mr. Moffatt.—On the Slaney.

MR. CHARLES HEWITT, EXAMINED.

Dr. McKaffy.

18934. Who was the landlord?—Clement Walsley, Mount Walsley estate.

18935. Mr. Moffatt.—Of course, you have the land of these men under your notice, and I see you prosecuted these two men for offences under the Fishery Acts?—Yes.

18936. On the 13th of April, 1911?—Yes.

18937. Were those charges brought against them, for using a gaff?—Yes, sir.

18938. Is there a great deal of that sort of thing going on up in the Tullow district?—Yes, sir.

1313 March, 1912.]

Mr. CHARLES HEWITT—continued.

[EXAMINATION.]

13039. Mr. Moffatt.—I conducted the cases myself, and I will just ask you, on the occasion of these prosecutions, were these men charged, in the first place, with driving fish under the bank by means of a stick?—Yes, sir.

13040. And then using a gaff for the purpose of taking the fish out?—Yes.

13041. Is that rather a common offence up there?—Yes, sir.

13042. And, in addition to these particular men, have there been a number of prosecutions in that district for similar offences?—Yes, Jack Murphy on the same day.

13043. And are you familiar with the fact that there have been bye-laws passed by the Department dealing with this question of boating the waters for the purpose of driving the fish under the banks?—Yes.

13044. Now, when you are out upon the river watching, do you find much trouble when you are hiding?—Yes, sir. They are not very well inclined to let you ambush on the ground.

13045. Is there any particular reason for that?—Yes, of course, that a man wouldn't be able to ambush very easily.

13046. What is your great difficulty in that way?—Oh, they go about the ground looking in the likely places where you might be concealed.

Dr. Mahaffy.

13047. Have you any reason to think that those gentlemen who own the bank and poach with the gaff have a desire to stop anybody else from poaching there?—Oh, they wouldn't want anybody else to get the fish. They would want them themselves. They consider that they have a right.

13048. And then you think that they would keep anybody else off?—They would.

13049. Mr. Moffatt.—But is it your experience that as long as they get advice out of the river they don't care a brass farthing how they take it?—No. That's it.

Chairman.

13050. Now, what is the mileage of the river round there within the property that was so disposed of?—It would be about two miles, I should say, or three miles from Tullow.

13051. Before the sale of that estate, was that river ever let to anyone by the landlord?—I could not tell you. I was not there.

13052. You don't know whether it was free fishing or not?—I couldn't tell.

Dr. Mahaffy.

13053. Is that estate on both sides?—No, sir.

13054. One side only?—One side only.

13055. What is on the other side?—They have bought out there as well.

Chairman.

13056. And the people that bought it have the fishing right?—Yes.

13057. Then, you say, the rights have passed to the tenants on both sides of the river?—Yes.

13058. Mr. Moffatt.—As regards your difficulty, when ambushing, do you find the farmers go out when you are ambushing with their dogs?—Yes, sir.

13059. And, when the farmer can't find you, how are you found?—The dog will find you.

13060. Are a great many of the tenant farmers inclined to regard the landlords as trespassers?—Yes, sir, and ordered me off. Of course, I didn't go.

Chairman.

13061. Then, the use that they are making of the river there is to kill the salmon any way they can?—That is just it, sir.

13062. They have never recognised that if they combined on that two miles of river, having both sides of

Chairman—continued.

it, they might make that a very valuable fishing to let?—They are all inclined to get the fish out when they can.

13063. Each man for his own?—Well, sometimes they you heads and they will help one another, and one will watch while the other is poaching.

Dr. Mahaffy.

13064. Is there any fishing water above that?—There is, up to Tullow, and above Tullow.

13065. Above Tullow?—Above Tullow.

13066. Is that in the hands of the landlords or the tenants?—There has been a tenant that bought out three miles above Tullow who was convicted on the same day as these men.

13067. The whole of that particular water is now in the hands of men who were tenants?—Well, it is not altogether. I think it is Lord Fivemilham who retains the fishing rights on one side of the river above Tullow.

13068. I suppose he gets very little while these gentlemen are doing all that?

13069. Mr. Scallan.—How long have you been then?—Fifteen months.

13070. And in the fifteen months you have only got one prosecution?

13071. Mr. Moffatt.—Two convictions here. Witnesses.—There are three.

13072. Mr. Scallan.—Three in the fifteen months?—Yes.

13073. Did you ever say anything to the tenants about their combining to set the fishing?—No, sir, I did not, and I didn't want to say anything.

13074. Did you ever explain your position to them?—Yes, they know it very well. I told them that I was a river bailiff looking after the river when they ordered me off.

Dr. Mahaffy.

13075. You don't belong to this country?—No, sir.

Mr. Green.

13076. Do any of those tenants who have purchased those bits of river ever try to let their fishing?—Oh, yes. Some of them do let. Some let part of the fishing and fish the other part.

13077. They let it to fishing tenants?—To fishing tenants, yes.

13078. And if the tenant is not there they gaff the fish?—Yes, sir.

13079. And when he comes he doesn't get as much as he might expect?—Of course, he doesn't.

Mr. Moffatt.—I remember one case where I got a man fined £5, and he walked into my office with a pocket book and a list of subscriptions, and asked me to subscribe and help him to pay the fine. I took that book and added it up, and found that at that time the subscriptions amounted to £19.

Chairman.

He was very candid to show you the book.

Mr. Moffatt.—Very laudable.

Dr. Mahaffy.

Did he pay the fine?

Mr. Moffatt.—He paid the £5, and made a profit of £14.

13080. Mr. Scallan.—Near Tullow, to your knowledge, is a very notorious place for poaching?—Yes, so I believe.

Mr. Green.

13081. Was the time that the gaffing took place that you were speaking of in the open season for fishing or in the close season?—Oh, it was in the open season.

[15th March, 1915.]

Mr. MICHAEL DONOVAN, recalled.

[EXAMINED.]

13982. Mr. Moffatt.—Do you know a man called Lawrence Bryan?—Yes, sir.

13983. He was a tenant purchaser?—So I believe.

13984. I believe it is on the St. Patrick's Hospital estate. You don't know yourself what estate it was on?—No, I don't know, but he had the fishing in his own hands.

13985. And he bought it?—He must have.

13986. Now, had you a prosecution against him?—Yes, for having been caught with eelk fish in his possession.

13987. That was in 1908?—Yes. And when the case was brought before the court Bryan denied knowledge of who killed the fish, but the man who killed them admitted it. When they found the baillies coming down they caught the fish and pitched it into the river.

13988. And the bailliff had to address to get it out?—Yes, and he got the gaff. And it was a very bad fish too. Mr. West, the magistrate, is a very good judge of fish, and he said he never saw such a fish killed.

Chairman.

13989. So bad?—So bad.

Mr. Moffatt.—In another case where a fish was thrown into the river one of the baillies addressed and got into the river and captured the fish, and as he was in the water a lady and gentlemen drove up, and he had to hide under the bank a long time.

13990. Mr. Scallan.—Was there anybody else prosecuted up there for taking unclean fish?—Yes.

13991. Who?—Michael Carlton.

13992. Who is he employed by?—By the Hon. Mr. Lawrence.

13993. That is the gentleman to whom the fishing is let?—The fishing is let to Mr. Lawrence.

13994. And Mr. Lawrence's men will take bad fish out of the river as well as others?—Oh, there is a whole lot that will take it.

13995. Mr. O'Flaherty.—You were here in 1875?—I was, sir.

13996. And at that time the fishing was not so well preserved?—Not so well.

13997. Everybody poached there?—Yes.

13998. Was there more taking of unclean fish, and so on, at that time than there is now?—There was.

13999. And do you think that things are better now than they would be if this fishing was divided up amongst a number of tenant purchasers?—Yes, a very good supply of fish in the river within later years.

14000. And there is better protection since it all got into one hand than when everybody had it?—Yes, better protection.

Mr. ALEXANDER BONE, examined.

Chairman.

14001. Are you one of the elected Conservators?—No, my father is.

14002. Is he here?—No, he is unable to come.

14003. Have you come to represent him?—Well, I come to represent him.

Is there any information that you think you could give the Committee on the subject of the Slaney Fisheries, from the point of view of the Conservators? But as there are other Conservators here, perhaps we might hear them first, and if there is anything you can add we will hear you.

Chairman.

14015. You are a Conservator of this district?—Yes, sir.

14016. Are you ex-officio or elected?—I am elected.

14017. And is it for the upper or lower reach of the river?—Well, the lower reach I fish on.

14018. That is the tidal portion?—No, I mean the lower portion of the fresh water.

14019. You are one of the three elected Conservators?—Yes.

14020. Now, how long have you occupied this post?—Well, only a couple of years a Conservator.

Mr. JOHN BOLGER, J.P., examined.

Chairman.

14015. You are a Conservator of this district?—Yes, sir.

14016. Are you ex-officio or elected?—I am elected.

14017. And is it for the upper or lower reach of the river?—Well, the lower reach I fish on.

14018. That is the tidal portion?—No, I mean the lower portion of the fresh water.

14019. You are one of the three elected Conservators?—Yes.

14020. Now, how long have you occupied this post?—Well, only a couple of years a Conservator.

Dr. Mahaffy.

Has not your fishing greatly improved on this river in the course of the last few years?

Mr. O'Flaherty.—I think so.

14002. Mr. Scallan.—Did you ever get any opposition from the Portsmouth tenants?—No.

14003. Did you ever get any assistance from them?—Never.

14004. Did you get any assistance for poaching along the river and ambushing there on their land?—Yes, they never stopped us. They have been very obliging in that way.

14005. In your opinion, would tenants like Mr. Dench's mind the river as well as Mr. Lawrence would?—Well, that would have to be tested.

Mr. Moffatt.—I don't know, Mr. Chairman, whether you limit the inquiry to this question or whether there is anything else you would like to know.

Chairman.

I should like to know if there is any other tenant purchaser who has the fishing right or who has not the fishing right.

Mr. M. J. O'Donoghue, Solicitor.—I have two witnesses, tenant purchasers on the Hall Duro estate, tenant purchasers who have not the fishing rights, and having regard to the evidence that has already been given, I don't think it is necessary to call them.

Mr. Moffatt.—There are one or two points that occur to me under these Fishery Acts that I should like to refer to. We want to have some amendment of the fishery laws.

Chairman.

My object in asking the question about tenant purchasers was in order to finish that stage before we entered on another stage of the inquiry. I am there are some gentlemen here who are Conservators, and before asking them to give evidence I should like to know whether there is anything more that the tenant purchasers could tell us.

Mr. Scallan.—I don't know that there is any further evidence that I can offer.

Dr. Mahaffy.

14009. But you are a fisherman yourself?—Yes.

14010. Has the fishing of the river improved or diminished?—I think it has improved on the estuary.

14011. Do you fish it?—I have fished for trout for the last three years, but of course I am acquainted with the river.

14012. Has the trout fishing improved?—It has improved.

14013. Is the brown trout fishing good?—The brown trout fishing is better now than when I fished some years ago.

14014. And do you get any sea trout up there?—No, very few.

Chairman—continued.

14021. They are elected for three years?—Three years.

14022. How is the election carried on, is it by sections?—It is by licensed rod men.

14023. Is it by sections? For instance, now, with regard to the tributaries and the other rivers of the fishery district, are there elections in those sections?—Well, I think it applies to the licensed rod men of the Slaney.

Mr. Michael Donovan.—There are four electoral divisions in this district, namely, the tidal here and

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Mr. JOHN BOLTON, J.P.—continued.

[Continued.]

Chairman.—continued.

the upper fresh water of the Slaney; and then there is another division at Gorey and another division at Carnew for the sea, and there is no one elected for Gortown or Slaney division. They don't come forward.

14024. Then in fact there might be a larger number of elected Conservators for the district only that the thing is let go by default?

Mr. Michael Dawson.—By default.

14024. Yes, Mr. Bolger, are elected for the Slaney?

—Yes, sir.

14025. Are the meetings of the Conservators regularly attended?—Yes.

14026. And is there fair assent amongst you in the effort to preserve the river?—Oh, yes, there is no doubt that they all take a great interest in it.

14027. Are you interested yourself as a fisherman?—Well I am. I am a fisherman for a long time. I have been fishing the Slaney for almost forty years, and the greater portion of that time for trout. For the last six or seven years I have been fishing for salmon, but I know the Slaney well for almost forty years.

14028. How far do the trout run up to?—Well, you trout find their way pretty well all over the Slaney, but for the last few years they are almost extinct.

14029. To what do you attribute that?—Well, I think the great reason is the reducing of the mesh of the nets.

14030. That is in the estuary?—In the estuary.

14031. You think they stop all the sea trout there?—Well, they are not coming in any way, and they reduced the meshes some time ago. I remember well when you could get on any evening's fishing in June all along the Slaney a good basket of white trout, and I have been out fishing on the evenings for the past four or five years, and I have not got any white trout. They have absolutely gone out of the river.

14032. How about the salmon?—Well, the salmon fishing has gradually improved year after year, particularly I think for the last nine or ten years. We have had far more salmon coming into the river, and I think a good deal may be attributed to the state of knowledge in every direction.

14033. Has the number of river badfis been increased then?—Well, I believe there are more now than there were a good many years ago, and they are a very good staff of men, the badfis, and I know, at all events on the lower portions, they look after their duty very well.

14034. Is there a greater range of the river let now than there used to be?—Well, I fish that portion that the evidence was given to you about on Lord Portsmouth's estate. I fish that, and I have a good deal to do with it, and the gentleman that has that rented there from Lord Portsmouth is the Hon. Mr. Lawrence, of London. He rented it about six years ago, and I fish with him, and I know a good deal about it, and it is very well looked after and very well preserved, and I also know that he is spending, and has spent a lot of money on it.

14035. How?—He has put stones in a great many pools that had previously been netted, supposed to be netted, which is most destructive to fish, and we put big boulder stones into these pools that will prevent any netting or working of nets, and we have erected two huts on it, that will serve two purposes—first, for fish and then they would be used for watching.

14036. What sort of huts do you mean—more wooden huts?—No, they are well got up. One cost £20 and the other cost £15. I got both huts put up myself.

14037. What length of river is that altogether?—Three Irish miles, from Skarawash to Kinscorthy.

14038. That is the lower reach of the river?—That is the lower reach which is adjoining the tidal water.

14039. Now, do you know anything more about the river up there?—Well, I do. I have a good knowledge of the river to Newtowsharry and further. I have fished all over it.

14040. To what extent is it let?—Well, there is a good deal of it in the hands of the owners, the landlords. In some portions, of course, but not in many cases the tenants have the rights, but in a great many cases the landlords retain the rights of fishing which they had.

Chairman.—continued.

14041. What is going on in the cases where the tenants have obtained the rights?—Well, I think you have heard nearly all the evidence to-day, and I don't think I can give you any more information on that point, because I don't know much about it beyond Newtownsharry.

14042. We have also heard of difficulties in the cases where they have not received the rights. Have you any opinion to express about that, where the rights have been reserved?—Witness.—By the landlord?

14043. By the landlord?—Yes. That is what I am explaining to you, in the case where I fished.

14044. That is on Lord Portsmouth's estate, but I am talking of others?—Well, I could not give you any more than what you have heard.

14045. Now, as to funds and the extent to which the other portions of this fishery district might be looked after, it appears almost that they neglect or that they do not take the trouble to elect Conservators, and there are no badfis, and the rivers don't appear to be regarded as of any fishing value?—Witness.—Do you mean outside the Slaney?

14046. I do?—Well, there are not very many important rivers or tributaries. Well, there is one that I know well, the Bann river, and I suggested to the Department twelve months ago that they should spend a little money on that to clean it. It is all grown over with alders and weeds, and it was a very good spawning river, but the salmon will never spawn where it is grown over with weeds, they must have gravel, and they wrote to say that they had no authority to do that, that it is in the hands of the Conservators.

14047. Certainly, but it appears to me that it is a derelict?—Well, I remember that as a very good trout river.

14048. Then you were speaking of the development of the fisheries. There is an illustration of where I think the fishery might be developed?—But I think that the Department might assist us in cleaning up that river.

14049. You say you asked them to do it?—I did, and I think they might assist us with some funds, of course.

You ought to ask them again.

Dr. Mahaffy.

14050. How long is it?—Well, I think it would be about nine or ten miles. It is a first rate spawning river for that length, and it is almost all covered over with alders and weeds, and I went as far as to say that I know most of the farmers on that stretch, and I went as far as saying that I would get liberty from the farmers for cleaning the river.

Chairman.

14051. Of course, that is of no fishing value whatever?—I may say not now. It was one of the best trout rivers we had.

14052. Sea trout?—And brown, too.

Dr. Mahaffy.

14053. Are they there still, the brown trout?—They are, very, very few. It is all weeds.

Chairman.

14054. And it is a spawning river for salmon?—Yes, they used to spawn in that river, and I remember when it was a great spawning river.

14055. Something might be done there?—Something might be done there.

14056. Have any of the estates on that river been sold as far as you know?—Oh, they have not. That river was never preserved by the landlords at all. It was always free to anyone to fish.

14057. There would be no difficulty about reserving the rights there?—I don't think so at present.

14058. There wouldn't be much to reserve at present?—No.

14059. Now, you could do with more money?—Witness.—The Conservators?

14060. Yes?—We could spend a lot more money if we had it.

14061. Do you think that the amount of income derived from the rates at present is rather small?—Witness.—From the rates?

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Mr. JOHN BOLAND, *et c.*—continued.

[ENSMORE.]

Chairman.—continued.

14062. Yes?—Witness.—That is, for fishing purposes?

14063. You collect 10 per cent. on the rateable valuation of the fisheries?—Yes.

14064. Well, the result appears to be rather small, £15 lbs. a year. That would be on a valuation of £150 or £160 a year?—Yes.

14065. Well, don't you think that is rather a small valuation?—Witness.—That is, taking the whole river?

14066. Yes?—Well, it appears to be small, but I never went into the figures of that. I really could not give an opinion, because I am not in touch with the figures.

14067. If people felt that they wanted more money in order to carry out the duties of their office energetically, don't you think that they ought to look into the figures?—Witness.—Would the Conservators have power to increase that?

14068. They would have the power of asking for a revision of the valuation?—Witness.—From the Department?

14069. Yes, certainly. Of course, it is not the Department who would do this. It is the Commissioner of Valuation for Ireland that does it?—I don't know whether we would like to touch that or not. It is a very delicate point, the increasing of valuations.

Dr. Mahaffy.

14070. You think there might be other questions asked?—Yes.

Chairman.

14071. Still, at the same time, you are in a public position as Conservators, and even if the valuation were something higher in the way of rating, if you had more money and could make the river more valuable, the returns would more than compensate?—Yes, sir.

14072. Do I convey myself?—Yes. My experience is, that so far as the river Slaney is concerned, it is very well looked after. Of course, you will have exceptional cases of poaching no matter what you do if you had twenty more bailiffs; but I think from end to end it is very carefully looked after both by the bailiffs and by the men interested in the fishing.

14073. But I am speaking of the other part of your district which is derelict at present?—Yes, I think a great deal could be done on the tributaries.

Dr. Mahaffy.

14074. You rather puzzle me about the sea trout. You say the sea trout are stopped from coming up by making the meshes of the nets smaller?—Yes.

14075. But the salmon would be stopped in the same way, and are there more salmon?—Well, I don't know whether it would be in order or not to go into a previous inquiry which we had here twelve months ago.

Chairman.

14076. I don't think so?—Because I could answer that if you allowed me to go back on that.

Dr. Mahaffy.

14077. I can find it in that inquiry, I suppose?—Because there was a bye-law made, which we opposed, for putting on the nets earlier, and we don't want to go into that.

14078. Mr. O'Flaherty.—I take it from what you say that there has been a great improvement in the quantity of salmon in the river?—Yes.

14079. Do you remember, of that previous inquiry, hearing it proved that the salmon increased between 1905 and 1910 from 11 lbs. to nearly 20 lbs.?—Yes, that applies to the net fishing. It came before Mr. Green. We showed that in the five years from 1905 to 1910 the catches of the nets had increased from 11 lbs. to 19 lbs. year after year, and the same thing applied to the rod fishing, and we showed that as our reason why the close season should not be touched for netting. Of course, that is in the tide.

14080. Of course, that may be due to many causes, but, amongst other causes, do you attribute the increase partly to the better looking after of the upper part of the river?—I think a portion of it, of course.

14081. And to their being less taken of slack fish?—Of slack fish, yes.

14082. Mr. O'Flaherty.—And now, is the portion that you know here, that Mr. Lawrence has, has there been, in your opinion, a great decrease in the amount of illegal fishing since he got it?—Well, I know, that with one exception, which was referred to here by one of the witnesses, where one of Mr. Lawrence's men took advantage when Mr. Lawrence and I were away from fishing and took a slack fish, with that exception I don't know of a single slack fish being taken on that stretch for six years.

14083. In the former time, do you know or believe that there was a great deal of slack fish taken?—Well, previous to six years ago it was commonly fished, and they used to buy fish which was brought here in that condition. I think you have had evidence enough that there was a good deal of slack fish taken at that time.

Mr. Green.

14084. Is there any chance of a local subscription being got up for that Barn river?—Well, I don't know. I think the Department would have to make a move in it.

14085. But we never make a move until somebody else makes a move, if people get up a society or association for clearing up a river of that sort?—You see, it is only a small river, and the farmers have hardly interest enough in it.

Dr. Mahaffy.

14086. No illegal fishing?—It is 10 or 12 miles long, and practically only a spawning river. It is not a great fishing river.

Mr. Green.

14087. They could not do it?—The farmers never get any benefit from it.

Dr. Mahaffy.

14088. But people would come and pay a good rent to get good brown trout fishing?—I am well aware of that.

14089. Mr. Moffatt.—I think it is in the opinion of the Conservators, on this question of the Barn river, that until the size of the mesh is made larger they should not be asked, nor would they think it right to make a move in the matter?—I think that is the view they take.

14090. There is one matter that I want to clear up. I think there was some apprehension in the mind of the Committee as regards these outlying districts being supposed to be left derelict. That is a mistake. Do you know so much of the working of these Conservators as to know that in the Inch and Timahilly, and other outlying districts, there have been prosecutions by the Conservators?—Yes, I remember one at Courtown.

Mr. Moffatt.—That is one of the outlying districts, and we do send our men and try to protect, but our force is very limited, and when we send men out to Inch and Timahilly, and other places, they are generally taken away from some place else, but still we don't allow any of the districts to remain derelict.

Chairman.

There is no one representing them on the Board of Conservators?—

Mr. Moffatt.—No, sir.

Chairman.

There is no elected representative of those districts on the Board?—

Mr. Moffatt.—No, not from those two districts.

Chairman.

That is a pity, isn't it?—

Mr. Moffatt.—It is so, and Mr. Hall Dore has been trying to get some to come forward.

Chairman.

Well it is a good thing to call attention to, it is good to stir the thing up.

Mr. Moffatt.—I am very much obliged to you, and I am sure that we all agree that we want funds.

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Mr. JOHN BOLGER, J.P.—continued.

[Kensington]

Dr. Mahaffy.

You know, the little Courtown river was a sea trout river?

Mr. Magill.—Yes.

Dr. Mahaffy.

That might be a good sea trout river?

Mr. Magill.—Oh, yes; and, as a matter of fact, the proprietors there were, I think, in connection with sea trout, and taking a large number of them, too.

Mr. Green.

Is not that river looked after by the owner?

Mr. Magill.—It was some of the owner's men that we came to.

Dr. Mahaffy.

Lord Courtown's men?

Mr. Magill.—Yes.

Mr. Sealha.—Lord Courtown's own men, were they caught poaching?

Mr. Magill.—They forgot to take out a licence.

Dr. Mahaffy.

That was a mistake.

14001. Mr. Sealha.—Wouldn't you say, Mr. Bolger, that the tenants were very kind to you, and facilitated you in every way, and allowed you to erect those huts and everything?—Well, they have been very obliging, and we have been on very friendly terms.

Major U. V. RICHARDS, J.P., examined.

Chairman.

14000. You are one of the Conservators of this district?—Yes, sir.

14001. Are you an ex-officio Conservator?—Yes, because I am a riparian owner.

14002. On what portion of the river do you live?—Salsborough. I have got about a mile of frontage on the river.

14003. You have got about a mile of frontage, you say?—Yes, at the river mouth, about a mile stepping it.

14004. Do you own both sides of the river or only one side?—Only one side.

14005. Who is on the opposite bank?—Lord Portmouth. I think Mr. Denthe has got some land on the opposite bank.

14006. Are you interested in it, and have you fished this yourself?—Oh, yes, I have fished it regularly.

14007. Have you property above and below that?—Yes.

14008. Have you sold to tenants?—I have sold any land that I could sell to the tenants. I have only kept the demesne.

14009. You have reserved a portion. Is the other portion of your property that you have sold to the tenants bounded by the river?—No.

14010. Then it is only just a mile of river that you have?—Only just a mile.

14011. Now, as a Conservator, do you think that the duties of the Board are adequately discharged on this river?—I consider they are.

14012. Has the preservation, do you think, of late years been stricter than it was formerly?—I imagine so, but still there is a great amount of poaching going on.

14013. What sort of poaching?—Well, quite recently the head bailiff and others captured devices for almost closing up part of the river—we had it on exhibition here in the Courtroom—a most extraordinary arrangement that would not allow any fish to go up.

14014. This was a positive stopping of the fish going up?—I think so. Mr. Donovan could tell you more about that than myself. I examined the fish trap.

14015. This was a thing contrived to stop the fish, at any rate?—Yes.

14016. And they go out in the pool below?—I presume so.

14017. Of course that would not occur very frequently, I suppose, for it would take some time to do this?—I imagine that that sort of thing would go on very occasionally if it was not that the water bailiffs are

14002. Mr. Sealha.—Wouldn't you think Mr. Denthe would look after that fishing if he had the right there?—I think that fishing is better looked after than when Mr. Denthe had it.

14003. That is as much as to say Mr. Denthe did not look after the fishing?—No, I am giving you my opinion.

14004. Haven't the tenants facilitated you in the work of putting in stones, and haven't they put stones in the river as well as you?—I don't know what they did, but I know that we put stones into three or four holes.

14005. Mr. Denthe.—And didn't we give you every facility?—You allowed me to cross your land to do it, and Mr. Lawrence gave the money to do it, and stopped the poaching by night.

14006. Mr. Sealha.—You only heard of one shock fish being taken by one of your men?—Yes.

14007. On this part of the river?—I have been fishing that constantly for the last six years, and we have two men on it. We have three miles of river, and we put two bailiffs. We pay men for minding the lower stretch of the river, and I don't think there are three miles of the river Slaney better minded.

Chairman.

14008. It is very satisfactory that the tenants are friendly and on friendly terms?—And I hope we will remain so.

Chairman—continued.

always on the look out. Then there are only two men. We have two water bailiffs from about Scarawalsh to Ennisclorty. I mean to say that they employ two when the others would be up on the upper reaches of the river.

14017. You heard the questions that we asked Mr. Bolger about the income of the Conservators and a portion of this fishery district that might be a little better looked after. I suppose you would agree with what he said?—Well, I didn't catch everything that Mr. Bolger said, but I think myself that the river is very well looked after by the bailiffs.

14018. It was not only with regard to the Slaney, but with regard to tributaries of the Slaney, and also some other rivers in this fishery district that run direct to the sea and that are not represented at present on your Board of Conservators, but might be developed into more valuable fisheries than they are. That was the point?—Witness.—For instance, the Barrow.

14019. Yes. That was the point as to which I asked Mr. Bolger, and he appeared to think that it was desirable that something should be done in that way, and that if you could get a larger income you could do more.

Dr. Mahaffy.

14020. Do you know the Barrow?—Oh, slightly, but I have never fished on it except that in my own's time I used to fish it for a boy.

Chairman.

14021. Now, Major Richards, we are not here you know to inquire into whether fishing rights should be given to purchasing tenants or should be reserved, I mean that is not our business; but what we are inquiring about is, whether anything could be done in the case of fishing rights passing to tenants by which the interest of the tenants might be increased, their property made more valuable, and the entire administration of the river improved. That is what we should like to get at, but unfortunately the instances that we have had here show, I think, that the tenants have not made the most of their property, and that each man has been fishing for his own hand?—I can only speak in connection with shooting rights. I don't think the tenants take any trouble at all in the case of the sporting rights on the Salsborough property. I don't think they take any trouble to preserve at all, and I imagine it would be the same thing with the fishery.

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MAJOR U. V. RICHARDS, S.R.—continued.

[1831B-CONT'D.]

Chairman—continued.

14132. Of course there is this distinction to be observed that as soon of sporting rights the winged foot and ground game can go from one property to another, but the fish cannot go out of the river. There is that distinction between the cases of fishing rights and shooting rights?—Yes.

Mr. Moffatt.—As regards that question of representation it has been pointed out to me since that as regards Lord Curzon there is only one licence which is Lord Curzon's, and that the Conservators' deficiency of representation was owing to the paucity of licences.

Chairman.

But then you must remember that that could be corrected by revision of the fishery electoral district, and that would be a proper subject of application to the Department.

Mr. Moffatt.—Quite so. That is another question.

Chairman.

I only point out to you that that is the alternative. Mr. Moffatt.—I interpreted for the purpose of defending ourselves against the suggestion of want of interest.

Chairman.

It was not necessary, but it is quite useful to know that.

Mr. Scallan.—I don't suppose there is any more use on behalf of the tenants in attending here further if you are only going into the point of the Conservators. I don't think we can do any more.

MAJOR H. M. BENTLEY, D.S.O., continued.

Chairman.

14133. You are one of the fishery proprietors on the Slaney?—Yes.

14134. What portion of the river?—Well, beyond Ballyvaughan Bridge. It is about six miles from here. One part is about a mile on this side of Ballyvaughan and the other about a mile on the other side.

14135. That is two miles altogether?—Yes, and then about half a mile up, about three miles beyond that; that is two and a-half miles altogether.

14136. Have you both sides of the river?—No.

14137. Is the river broad there?—A good fisherman could throw a light across.

14138. Who is on the other side?—Mr. Budd, Colonel Tottenham, and a tenant farmer who, I think, lets to Mr. Minnie.

14139. Has that tenant farmer a considerable stretch of the river?—Yes, he has a good stretch of the river, I suppose, he has about three quarters of a mile.

14140. That is it well worth his while, and I suppose he gets a fair rent for it?—Oh, I should think so. It is worth a good rent.

14141. You are an ex-officio Conservator?—I suppose I am. Yes, I am, I think. I was not aware of it till about a year ago.

14142. Have you attended the meetings?—No, I have not.

Dr. Mahaffy.

14133. Did you get any notice when you were appointed?—I don't know.

Mr. Moffatt.—I don't know that Major Bentley is an ex-officio member. He is not a magistrate. He has not been resident long enough.

Chairman.

14134. Then you must be elected; you have heard what has been said about the fishing?—Yes.

14135.—And as a fisherman, and interested in this property, have you any suggestion to make, or is there anything that you would like to tell the Com-

Dr. Mahaffy.

Do you know in the Tullow district where the people have got this property into their own hands, is there any chance as in some parts of Ireland of their making a combination to let the fishing to hotel proprietors?

Mr. Scallan.—I represent a couple of rooms on that estate, and I will see them and ask them would they do that, but I cannot say at the present time whether they would form such a body or not. I did not know even that time things would be a subject of your deliberations to the evidence given.

Mr. Moffatt.—The difficulty is always that there is always someone in the very middle who won't join, and that upsets the whole arrangement.

Chairman.

Did it ever strike you that if there were additional powers in the hands of the Conservators for the general interest of the entire area, they might be able to meet such cases as this, cases where landlord or tenant might neglect a portion of a river, or mismanage it to the detriment of the interest of others, and that there ought to be some means of bringing them into line?

Mr. Moffatt.—As to misusing it, I think we are all agreed about that.

Chairman.

If they neglected or did not make proper use of the river.

Chairman—continued.

mittee?—I think that we require another halfpenny up there, because it is a very bad part of the river. It lies half way between Enniscorthy and New Ross, and I think that except for my fishermen it is more difficult to look after it than the part down here.

14136. Have you a fisherman?—During the fishing season, yes; and of course my men, and so on, look after the river, and I live right on the river, and I allow no trespassing or poaching as far as I can, and if I hear anything I let the bailiffs know.

Dr. Mahaffy.

14137. What would you call a good day's fishing with your own rod?—Well, the year before last I got a good three months. You asked me what I might catch with my own rod?

14138. Yes?—You would not catch more than one, I suppose, in a day.

14139. But you have had better days than that?—I have seen three fish caught with the rod in a day.

14140. What would be the average size?—Well, I think it is different in every year, in some years more than others; but I should say that the average size would be about 12 to 15 lbs.

14141. There are two fishing times, the early fishing and the summer fishing?—Yes.

14142. Has the early fishing got better?—Yes.

14143. Has the summer fishing got better or worse, the pool fishing?—I should say it has all got better.

14144. You get peat from 5 lbs.?—You don't catch many peat.

14145. Did you catch many sea trout in former days?—Well, I was not living here. I was in the army, and I was not often here, but there are plenty of sea trout. I have seen them on the Enniscorthy Quays, and you can buy them here, but there are none up the river.

14146. But would you think one salmon a day very good sport?—Oh, yes, I would.

MR. R. W. HALL DARE, D.L., S.R., examined.

Chairman.

14147. Is there any evidence that you would like to give us?—I have already given evidence before this Committee, but you were asking about peat, and I might be able to say something about that.

Chairman—continued.

14148. Yes, quite so?—My experience is, that unless you get very high water at the time they run, at the end of June, you don't get them. They have almost died out. I know when I was a boy we used to get

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Mr. R. W. HALL, DAIRY, &c., &c.—continued.

[EXHIBITIONS.]

Chairman—continued.

these constantly, and always in the summer evenings, in the Summer holidays my brother and I often got five and six of an evening.

14169. How far up the river was that?—About twelve miles from here.

14170. Then do you consider that the seasons are drier recently than they have been in the past?—No, it is simply the size of the mesh, it is ever since the mesh was reduced. Originally it was the standard mesh that was used on nearly all the rivers in Ireland, a seven-inch mesh, and that was reduced then to five-inch.

14171. How long ago is that?—That must be nearly twenty years now, I should think.

Mr. Green.

14172. It was in 1861?—Yes.

Dr. Mahaffy.

14173. And since that the peal fishing has got very bad?—It has died out.

14174. Mr. Moffatt.—Is it peal or white trout?—Both.

Chairman.

14175. We were not told of the white trout?—Well, the white trout have been practically extinguished. I caught one last year. Then the mesh was enlarged again after an enquiry to six-inch. Well, it has not made much difference.

14176. It was originally seven?—Yes.

14177. And it was reduced to five?—Yes, reduced to five.

14178. What was the object in reducing it at the time, do you remember?—I suppose to allow the net men to catch more fish.

14179. It was not particularly for white trout?—To allow the men to catch more.

14180. Are they catching large quantities of white trout still by means of these nets?—Well, from what I hear they are not.

14181. Well, I presume that white trout, of course, come up to spawn in this river?—Yes, they would if they were let up.

14182. If they are not allowed up to spawn naturally, of course, they don't even approach the estuary, and they must be extinguished?—They are wiped out.

14183. Of course that affects our enquiry in an important way. If there were tenants purchasers who had fishing rights that would be one of the most valuable advantages. If the white trout fishing could be again made good?—Yes.

14184. And the peal fishing would be an important consideration too?—Yes, the enlargement of the mesh would increase the volume enormously.

14185. Of course, that is pertinent to our enquiry. Now, is there anything else you would like to say?—Well, there is another suggestion I wish to make. I have been trying to get an association to take up the part of the river from Tallow to the Glen of Insal and the river flows, because there are numbers of fishermen who come down on Sundays and they put netting and stop there trout fishing.

14186. Now, is that trout or salmon fishing?—Well, it is trout fishing. If there is good water there is a very good chance of getting salmon too; and I have been trying to get the Irish Salmon and Trout Fishing Association to take it up, and they have taken some interest in it, and, in fact, where I live there are a great many land owners that would join. Of course, that would give us extra money to put on more bailiffs.

Dr. Mahaffy.

14187. Are you in favour of a licence for trout fishing?—Oh, yes, I think so, certainly. I think they have that in some countries abroad, and, I believe, in Germany they have to pay ten marks. They have it everywhere but in this country, and nobody would object to it.

14188. Your place is commonly said to be the best on the river for red fishing?—I suppose it is as good as any.

14189. What would you call a good day for salmon fishing, how many fish?—The best I have known is 20 in one day.

Dr. Mahaffy—continued.

14190. That is, of course, very exceptional?—Very exceptional.

14191. And what would be the average size?—We generally make the average weight about 11 lbs.

14192. That is in the only season?—In the early season.

14193. Do you ever get a very big one?—Yes.

14194. How big would you get them?—Never anything more than 25 lbs.; two or three at 25.

Chairman.

14195. I presume you would agree with what has been said here as to the advisability of extending the powers of Conservators so that an improperly used or detached portion of a river could be administered by them?—Well, I don't know that we have any river like that. We do administer them as well as we can.

14196. But you have no right such as I have mentioned at present. You have a right to put on bailiffs at present?—Yes.

14197. To prevent unlawful fishing?—Yes.

14198. But it was suggested that where a portion of a river was positively neglected, Conservators might have some additional authority there to rectify that?—That would be an excellent thing.

14199. You see what I mean? You have a river 40 miles long, and half way up that river there are two unkos improperly used, or left derelict, and that not only affects the spawning fish that go up, but it affects the whole river?—Yes.

14200. And that is so very obvious that I need not labour it?—Yes, a proprietor having an interest in only two miles of a river could destroy a whole river.

14201. Or almost?—Yes, he could, indeed.

14202. Is there anything else you would like to say?—There is another matter that I hope may be dealt with in this river, and I know that there are some people talking about it. That is, the prevention of the use of a gill with a barb on it. I think that might be prohibited. A barbed gill is quite unnecessary as an adjunct to a rod.

14203. Is it a legal instrument?—I fancy it is legal at present.

Dr. Mahaffy.

14204. If you stuck a gill into the fish and he got off, it is no matter what you stuck him with, whether it had a barb on it or not?—A rod is not always used with the gill.

14205. You think that the fact of having the implement at all is a temptation to use it with a rod?—Yes, I think so.

14206. It is a poaching engine, and that is the long and the short of it. No one would like to have his fish torn with a barb?—Another thing, then, I think ought to be brought before the Department is about licence holders who are convicted of poaching. I think that the licence should be dealt with as major offences are now, and endorsed, and then that the licence might be forfeited if the licence holder is again convicted.

14207. Ought not they be forfeited right off when the holders are convicted, but you would give them a second chance?—Yes.

Chairman.

14208. Would you give the Court power to exercise a discretion as to whether the licence should be absolutely forfeited or whether the holder should get another chance?—I think so, because we have a great many convictions against the nets, you see, and a 43 licence is a matter of importance.

14209. At present a conviction does not bar a man from going and asking for a licence, and you cannot refuse?—No, you cannot refuse it.

14210. The Conservators cannot refuse it?—No.

Mr. Moffatt.—With regard to that suggestion of giving the magistrates a discretion, I may mention that I have had a great many years' experience of that. In certain localities you find the law unenforced, in certain localities you find the law fully administered and justice upheld, but in other parts, I regret to say, it is not so; and in some cases where offences have been committed a solicitor is brought down here or to the County of Wicklow and the penalty imposed is only 2s. 6d., with 1s. 6d. costs, though the costs of the Conservators are 2s. of 2s. and the fact is, that a serious offence is met with a

1816 *Month, 1912.*MR. R. W. HALL DANE, D.L., J.P.—*continued.*

[ENGLISH-IRISH.]

very small penalty. I myself attended in the Tulloh district one year, and the magistrates dismissed every case we brought. They dismissed nine sessions cases running, and we appealed in those cases, and we reversed the decision in each case.

CHAIRMAN.

You appealed to the County Court?

Mr. Moffatt.—To the County Court. In one case where we obtained a reversal (I was looking it up last night) I paid £11 to an engineer on the river, as the case was serious, and I told the Conservators that unless we appealed and succeeded the administration of the fishery laws would become a fiasco, and we did appeal, and we reversed the decision.

MR. FRANCIS RUTHERFORD, J.P., *examined.*

CHAIRMAN.

14191. You are one of the Conservators?—Yes.

14192. Are you *ex-officio* or elected?—I am not elected, I am a magistrate.

14193. Upon what portion of the river is your property?—I am an agent for Lord Carrow, I have none myself. It is about six miles up the river. He owns about two miles.

14194. Of the river?—Of the river, one side only.

14195. Is that lot?—Yes.

14196. You have heard, I suppose, what has been said here at this inquiry?—I may say that I have known the river very well for the last ten years.

14197. Have you seen a fisherman yourself?—Yes.

14198. Is there anything you think might be useful to the Committee, perhaps you would kindly let us know, primarily with regard to tenant purchases?—Well, I have no experience of that. Lord Carrow's property has not been sold to the tenants. He is the owner of the fishing rights, and we let it, but have not done so for the last three or four years.

MR. E. M. JORDAN, *examined.*

CHAIRMAN.

14204. Are you one of the Conservators?—Yes, sir.

14205. Are you an elected Conservator?—Yes, sir.

14206. For what portion are you elected?—For the tide way.

14207. You are one of the three elected for the tide way?—Yes, sir.

14208. Now, although the question of tenant purchases does not directly come in as regards the tide way, at the same time the general interests of the river are very much involved in what goes on in the tide way?—Yes, sir.

14209. Of course, if the salmon and trout do not go up at all they cannot spawn?—That is so, sir.

14210. And if they do not spawn there is no fish?—No fish.

14211. And we should be glad to have any views of yours with regard to this question of the preservation of the river and the increase, if possible, of the stock of fish. It is said here that the mesh stops peal and stops white trout, that is, the six-inch mesh which exists at present?—Oh, the peal and white trout are not as plenty as they were. They are not caught by the nets, they are completely lost by the nets now.

14212. How many years is it since they have ceased to be caught by the nets?—I think about a score of years.

14213. That was from the time that the small mesh was adopted?—That I could not say. I was not a Conservator at that time. The small mesh could not affect the peal, I think, but it might affect the trout. It could not affect the peal in any way.

14215. The peal would not mesh?—I say they do not mesh at all. They do not fish with drift nets.

14216. It is drift nets?—Yes, drift nets.

DR. MOKAFFY.

14217. Surely a small mesh would hold peal as well as sea trout?—Yes, but a larger mesh would hold the peal.

CHAIRMAN—*continued.*

Is the County Court Judge able to give you adequate costs?

Mr. Moffatt.—Yes, the jurisdiction is not limited in any way.

CHAIRMAN.

But he does not guarantee your recovering the costs?

Mr. Moffatt.—No, but we got them in this case.

CHAIRMAN.

And did they appeal afterwards?

Mr. Moffatt.—There was no further appeal. There are several points like that in the enforcement of the laws that I wish to bring under your notice myself, two or three points that I thought it would be right to bring under your notice when you were here.

CHAIRMAN—*continued.*

14199. Then so far as Lord Carrow's property is concerned there is no question of tenants with fishing rights there?—No.

14200. Now, as to the preservation of the river, have you anything to say?—Yes, I think so far as the Board of Conservators carry it out it is admirably carried out, so far as they are able.

14201. That is as far as their funds permit?—Yes, for the entire district, not only for the river Slaney, but for all the independent rivers in the district that enter into the sea.

14202. Is there anything else now that you would like to bring under our notice?—I think not. I think it is the interest of everybody, both net men and rod men, to preserve the river.

DR. MOKAFFY.

14203. Does Lord Carrow himself take steps to preserve his part of the river?—Oh, certainly.

CHAIRMAN.

14218. You say a larger mesh would have held the peal at any rate?—Yes.

14219. This is a matter of importance, and can you account in any way from your experience for the disappearance of the peal?—That is a thing that is often talked of by the fishermen. They say down there that the trout go through the nets and come up and they don't catch them. The small trout all go through and they don't catch them there. I say they surely don't catch them with the nets, very, very few.

DR. MOKAFFY.

14220. Can you give any reason for their disappearance?—I cannot give you any reason. A change in the mesh would make very little difference now to the net fishermen, because they are not in it.

14221. They would not object to a larger mesh now?—No, I think not, sir. It would make no difference. I am giving my evidence as straight as I can.

CHAIRMAN.

14222. It is quite useful and very instructive. Is there anything else now that you would like to say?—I say that the spring early fish has improved, and the summer fish has gone back. The summer fishing is not nearly as good as what it used to be, and the early spring fishing is better, much better, and they believe that the habits of the fish have got earlier than what they were, that they come earlier into the river than they did.

14223. As regards the size of the fish that come into the river, have they got larger or smaller?—I say the spring fish are smaller than what they were. They believe they must be the peal that were in former years that come as spring salmon now. That is the general belief of the fishermen. I am not a fisherman myself. I don't know anything of it only what I hear from the fishermen.

10th March, 1903.]

Mr. E. M. JORDAN—continued.

[REVISOR.]

Chairman—continued.

14224. There is one thing I want to ask you about. Do boys fish for smolts?—*Witness*.—The smolts, that is, the fry?

14225. Yes, is there any fishing of them?—Oh, no, none whatever.

14226. And fishing of them by boys in the neighbourhood of the town?—No, certainly not.

14227. Do you mean not by the town boys, but by boys higher up the river? Does not fishing for smolts ever occur?—No, sir.

14228. Mr. Moffatt.—This would be a very favourable year for salmon to come up the river?—Yes, it ought to be.

14229. Because there is plenty of water?—Yes.

14230. And you say you think the spring fishing has improved?—Yes, it has for the last four or five years, the early spring fish, but the summer fish has disappeared.

14231. About a dozen salmon have been taken so far, so well as we can make out, up to the present time?—I don't know.

14232. If that was so, wouldn't it rather upset your theory?—I know nothing of this year, but I have given evidence for years past.

Mr. Green.

The fact that you state now is noticed in the Blackwater, and a lot of other rivers too, with regard to this present year, so it is a general business.

14233. Mr. Moffatt.—I am only dealing generally with the river Slaney. (*To Witness*).—It would be a very favourable year for salmon to come up?—Yes, it should be.

14234. And then if they were coming up and taken that would go against your theory?—I don't say that salmon coming up are not taken. I know nothing of that. I know nothing of the upper end of the river.

Chairman.

We have received a good deal of useful information here to-day, and I think we may now adjourn.

Mr. Moffatt.—I don't know whether you could consider at all the question of search on the river. There are one or two things that I was very keen about myself that I would like to bring under your notice.

Chairman.

What do you want to say?

Mr. Moffatt.—There have been one or two cases lately that have come under my notice, and I think the Conservators under the Fishery Acts have not got sufficient powers of search. For instance, I have here set out in five pages the figures of the number of fish prosecutions in the river, and this is a photograph of a net that was taken.

Mr. Green.

I take it that those things have been introduced from the Barrow.

Mr. Moffatt.—I don't know.

Mr. Green.

That is the usual kind of poaching instrument on the Barrow, and are they common on the Slaney too?

Mr. Moffatt.—No, I have only met with two, the one and another, taken on the river within the past two weeks.

Dr. Mahaffy.

Where would you search for it?

Mr. Moffatt.—The search I would suggest is a search limited to huts, and things of that sort, on the river. For instance, when this net was taken, it was taken almost immediately opposite a small wooden hut, and when the bailiffs found the men there, one of the men was the man that owns the hut.

Chairman.

What was the use or object of that hut?

Mr. Moffatt.—It was, I understand, for fishing.

Chairman.

Constructed for that purpose?

Mr. Moffatt.—Yes, and when the bailiffs asked these men to let them see the hut they refused to open the door. The bailiffs threatened to break in and the men refused to open, and I believe, from the information that I have received since that there was an exceedingly good reason why they would not allow them in, but we have no power of search. That is one case. Take another case. The bailiffs are out in discharge of their duty, and they have often to watch. They watched men in the town last year taking salmon fry, which is a very common practice here, and the men put the fry into their pockets. They catch the fry with rods.

Chairman.

With rods?

Mr. Moffatt.—Yes, with rods, and they are taken in large quantities here. Well, they put them into their pockets. The bailiffs challenged them, and they refused to show their pockets, and that is a case in which there should be a power of search. There is a power of search under the Poisson Act. It is limited to searching a basket or receptacle taken which is used. There was a case in England decided the other day when a bailiff searched a man's pocket. In that case the poacher had made use of his pocket as a basket or receptacle, and the bailiff was justified, but under the Irish Acts where a man uses his pockets as a basket, still the bailiff would not be justified in searching him at all, so that really the law wants amendment in that respect.

Dr. Mahaffy.

He might have a gaff under his coat.

Mr. Moffatt.—Yes; and another matter has been mentioned to me. It is merely a suggestion, and the Conservators could use their discretion in this district, where it would be most useful. There is a great deal of pike fishing in certain localities here, that is, during the close season. Men go out by way of pike fishing, and when the owners, or their fishermen, appear on the bank, you see these men suddenly kneel down and change their bait. They are by way of fishing for pike, but they are, in reality, fishing for something else. I have had, myself, one prosecution arising out of that. I do not like to suggest anything very arbitrary, but I think, at the same time, that Conservators ought to have power to close pike fishing when they thought it proper or necessary to do so in the interest of the fishing, just in the same way as you suggested that they should have power to take up districts that are not used properly as the interests of the fisheries.

Dr. Mahaffy.

Are the pike a great nuisance in the river?

Mr. Moffatt.—I am informed that they are. I believe there is any amount of pike in the river.

Dr. Mahaffy.

They must do a great deal of damage to the trout fishing.

Mr. Moffatt.—I am sure they do.

Chairman.

A short time ago there was a public meeting of Conservators in Dublin. I think it was public, but, as a rule, it was a very large and representative meeting of the Conservators of Ireland; and at the close of this Committee's inquiry, at all events, in view of any suggestions of the Conservators which the Committee might think were conducive to the better administration of the fisheries, it would be worth their while to meet again to express their views. Don't you think so, and would not they come with more force?

Mr. Moffatt.—Oh, yes, with much more force. I only looked at this paper last night. I thought it would apply, perhaps, to the second paragraph of your notice, but the Conservators, you see, have only quarterly meetings, and they have left me in this position with no definite instruction.

Dr. Mahaffy.

Is there anyone who knows about pike in the river?

Mr. John Bolger.—I know.

15th March, 1912.]

MR. JOHN BOGGER, J.P., *moderator*.

[Examination.]

Dr. Mahaffy.

14235. Do they destroy your trout?—They do. They are a great nuisance. That was why the law was extended to the close season to take out pike, and I am afraid it is abused, and that there are salmon taken out at the same time with pike.

14236. You can find the pike really enough when they are spawning?—Yes, I think the Conservators have full power to deal with it.

14237. It is a very fine river for pike?—We have a good deal of still pools in which I nearly always find

Dr. Mahaffy—continued.

them any time I am fishing. If the water is high, I invariably meet pike in any sort of a pool.

14238. It is a great nuisance?—It is, and they kill a lot of fry.

14239. You ought to take pains to keep the pike down?—We do all we can.

Chairman.

We are much obliged to you all for attending here, and for the information you have given.

The Committee adjourned.

TWENTY-EIGHTH PUBLIC SITTING.

TUESDAY, 19TH MARCH, 1912

At 11 A.M.

At the Courthouse, Navan.

PRESENT:

THE RIGHT HON. SIR DAVID HARRIS, K.C.B., K.C.V.O., *Chairman*.

THE REV. JOHN PORTLAND MARIATY, D.D., M.D., C.V.O. | MR. W. S. GREEN, C.B.

MR. B. H. LEE, *Secretary*.*Chairman.*

You are doubtless aware of the object of our inquiry here. It is to examine the effects which the changes in the ownership of land, in consequence of the operations of the Land Purchase Acts, have had upon the

Chairman—continued.

inland fisheries. We shall be glad to hear evidence from any of the Conservators or others who may be able to give us information on this subject.

*MR. JOHN KEALY, examined.**Chairman.*

14240. You are Clerk to the Board of Conservators?—Yes.

14241. What is the name of your district?—The No. 17 or Drogheda District.

14242. How many Conservators are there?—There are twelve elected Conservators and ten ex-officio.

14243. How many electoral divisions are there?—Two.

14244. Will you tell us what is the income of the Conservators?—It averages £357.

14245. From what sources is it derived?—From licence duties principally.

14246. Give us the amount of those licence duties for any one year?—In 1911 it was £416 10s.

14247. For what descriptions of licences?—Licences for rods, lines, cross-lines, boxes, snap nets, and set nets.

14248. What is the income from the rates?—It was £22 11s. 7d. in 1911.

14249. Upon what valuation?—£255 1s.

14250. Is that the value of the fisheries of the Drogheda district?—Yes.

14251. And, of course, the 10 per cent. rate would be reducible by the amount of the licence duties?—That is so.

14252. At any rate, your net income from the rates is £22 11s. 7d.?—Yes.

14253. Now, as to the expenditure, what balance have you at present?—About £700.

14254. Can you give us a rough idea as to the way the income of the Conservators is spent?—In 1911 the gross expenditure was £905 18s. 10d. The salaries of the inspector and water bailiffs amounted to £348 1s. 4d.

14255. How many bailiffs are employed?—Seven and an inspector in the open season, and eight additional bailiffs for about three months in the close season.

Chairman—continued.

14256. For their whole time?—Yes.

14257. What is their average salary?—The inspector gets £102 a year, and the bailiffs 16s. a week.

14258. How many prosecutions do you have?—About half-a-dozen a year.

14259. Are you able to protect the spawning fish?—Not sufficiently, for want of funds. I will just give you an idea shortly. During the last 14 years or 12 years, from 1900 to 1911, our gross receipts amounted to £5,637 8s. 6d., and in the same period the expenditure was £5,649 7s. 8d., leaving a balance of receipts over expenditure of £28 0s. 10d., so that would leave the excess of the average annual income over the average annual expenditure at £2 or thereabouts.

That shows that they have no funds available.

14260. Now, do you know anything with reference to changes in the ownership of lands on any of those rivers?—I know a few cases that have occurred, but I don't know the effect.

14261. What estates, then, have been sold; do you know the estates?—There is one estate sold, Mr. Charles A. Tindall's. I think it was in 1909, or thereabouts, that estate was sold.

The valuation was £5, that is, the valuation of the right of rod fishing.

14262. Upon what river was this?—The Blackwater; and the rate was sub-divided into five of £1 each, and in 1910 the valuation was struck out; of course, I don't know for what reason, whether it was valuation or what.

14263. Who struck out the valuation?—It was done officially.

14264. So that small as was the rate upon £5, you don't get anything at all now from that estate?—That is so. Hereafter we used to get 10s.

14265. The fishing rights there went to the tenants?—That is so, but I don't say that the valuations were struck out simply because it went to the tenants.

19th March, 1912.]

Mr. JOHN NEELEY—continued.

Chairman—continued.

14266. No, but at any rate they have been struck out?—They have, yes.

14267. Now, do you know of any other estates?—Well, I am not quite sure as to Viscount Clifton's or Lady Ansdly's. On this list it is Viscount Clifton. Well, the valuation on that is £1. That was struck out in 1911.

Dr. Mahaffy.

14268. Is that on the Blackwater, or is it on the Boyne?—Stoneyford river. That estate was sold to twenty-six tenants, I think.

Chairman.

14269. Was it formerly rated at a £17—£1, yes.

14270. £1 only?—Yes, and it was struck out.

14271. Then how many of the tenants became riparian owners?—That I couldn't tell you. I got a list from the agent.

14272. Don't mind the list. You cannot tell whether the twenty-six became riparian owners or not, or how many of them?—No.

14273. But, at any rate, you don't get the £18—No. We would be only entitled to 2s. if the valuation were there, that is, 10 per cent. on the Poor Law Valuation of £1.

14274. Did you only get 2s. before from the Clifton estate?—Yes. Then there is the case of Lord Darnley's fishing, the valuation of which was £5. I notice it is struck out, but I don't know for what reason. I think it has been sold to the tenants, but I would not be sure. It is on the Stoneyford river, also.

14275. Did anyone, on behalf of the Conservators, ever make any inquiries as regards the valuation?—No.

14276. Do you know what stretch of river was valued at £18?—No, I do not. The inspector might be able to give evidence as to that. My duties at the Board are purely secretarial. I never go out at all.

14277. Still, as officer in charge of the finance, you are very materially interested in the question of funds, are you not?—Yes, sir.

14278. And, of course, that would suggest to you that a little enquiry outside might be useful.

Dr. Mahaffy.

14279. Do you spend more than your income?—I had better give the exact figures in this case, sir. For 1911 our gross income was £620 7s. 1d., and expenditure, £605 18s. 10d.

14280. You have still a balance, then?—Yes.

14281. That is a usual thing?—Yes.

Mr. Green.

14282. Are the estates that you have been mentioning here as having been sold to the tenants all on the Boyne and its tributaries?—The Stoneyford river, yes.

14283. What about the other rivers that are in your district?—Well, I understand that there is an estate about being sold, Mr. Godwin B. Swift's. If the sale means that the valuation is going to be struck off, that would be a loss of 10s. on the valuation of £5.

14284. Do you know whether an arrangement has been made to reserve the fishing rights?—No, I don't know.

Dr. Mahaffy.

14285. Where is that estate of Mr. Godwin Swift's?—It is in Ballynashen, in the Barony of Moyferath, in the County of Meath.

Chairman.

14286. But, at any rate, let us have it clear. The valuation of all the fishing in the Drogheda fishery district is computed at £500 odd?—£585 is 0d. The last return showed in respect of that, that we received

Chairman—continued.

£19 10s. 1d. in respect of current rates, and in respect of arrears, £8 12s. 6d.

14287. How much do you say in respect of current rates?—£19 10s. 1d., and the remainder you may say, roughly, has been discharged by license duties exactly. It has been stated here that the list of valuation does not at all represent the true value of the fisheries in the district, but about that I don't know. You may get other evidence about that later on.

14288. Well, it would not be surprising if we concluded that that was so?—But I presume what is meant by that is, that there are fisheries or fishery rights that are not valued at all.

14289. Yes, I think that is extremely likely. I have no doubt that there will be some explanation as the subject, but it does seem curious that the fisheries of the whole district, including the Boyne and the Blackwater and those tributaries, should all represent a value of £530, and that the revenue of the Conservators from that source should be only £20 at 10 per cent., of course not counting the license. Now, tell me how many nets there are and how much license duty is paid for them?—Is it in the last twelve years?

14290. Yes. Take the draft nets. Are they increasing or decreasing, or are they standing at the same point?—Standing at the same, I should say. We will take 1909.

14291. Why not take 1911?—Very well, 1911, 6458. There were eighty-two draft net license fishing in 1911.

14292. At how much each?—£3.

Dr. Mahaffy.

14293. Where are they?—Seventy-seven are used in the tidal portion and five in the fresh water.

Chairman.

14294. That is the total number of draft nets, eighty-two?—Yes, that is the list for the last twelve years.

14295. Please continue and give us the remainder of the nets. *Witness*.—Snap nets?

Mr. Green.

14297. And cribb?—In 1911, only one snap net.

Chairman.

14298. Where is it?—I think it is used up at Slane or Oldbridge.

14299. There are not two snap nets?—One snap net in 1911.

14300. Then other nets?—Those are the only other nets.

Mr. Green.

14301. Cribb?—Six. Then cross lines.

Chairman.

14302. Have you any more nets?—No.

14303. Cross lines, how many?—Five.

14304. Other homes?—Eels, twenty-one.

Dr. Mahaffy.

14305. Do you mean eel nets or eel long lines or eel weirs, what do you mean?—Eyes.

Chairman.

14306. Well?—And seventy-eight rods.

Dr. Mahaffy.

14307. How much for an eel license?—£1.

Chairman.

14308. Where are they?—Oh, they are all over the district. The inspector will give evidence about that.

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MR. JAMES WATSON, examined.

[NAVY.

Chairman.

14309. You are the inspector?—Yes, sir, for the Drogheda district.

14310. Do you travel over the whole of the rivers of the district?—Yes, sir, throughout.

14311. Where is your headquarters?—Well, Ballinacorney is my headquarters for the close season, and between Drogheda and Navan is the open season.

14312. Will you tell me the principal rivers, first of all the principal fishing rivers and then the principal spawning rivers, of the district?—Well, the river Boyne, from Oldbridge to Navan, is the principal part of the river Boyne for salmon and the angling sport, and there is the part about Trim, about twenty miles from this, a very good place near Seawill.

Dr. Mahaffy.

14313. For rod fishing?—Yes, sir, and there is a portion of the Blackwater where the fishing is very fair.

Chairman.

14314. How many miles of fishing water are there in the Boyne?—Salmon fishing water from here to Drogheda, about twenty-two miles of fresh water. About twenty miles, rather.

14315. Then there is another portion?—There is from Trim up. It might be about ten miles. That would be thirty miles.

14316. Thirty miles of the river Boyne is fishable?—Yes, sir.

14317. And are any of the tributaries fishable for salmon?—None of them are fishable.

Dr. Mahaffy.

14318. What about the Blackwater?—The Blackwater is only a small distance from here.

Chairman.

14319. Is it fishable for salmon?—A portion of it.

14320. Is it a tributary of the Boyne, does it run into the Boyne?—Yes, it runs in here below.

14321. What length of the Blackwater would you say is fishable for salmon?—There might be about five miles.

14322. Now, is there any other tributary on the Boyne where salmon is fished?—No, I don't think so.

Captain C. F. Watkins.—The inspector is making a mistake.

Chairman.

14323. Are there any other tributaries of the Boyne that are salmon fishing rivers?—No, sir; in the open season there are no salmon in any of the tributaries at all, but only in the spawning season they go in.

14324. Then, about the estuary of the Boyne below Drogheda, the tidal water?—Yes, sir.

14325. You go down there, I presume?—Yes, sir.

14326. You have baillies there?—Yes, sir, two baillies on the tidal portion.

14327. It is there that the nets are principally?—Yes, sir.

14328. What sort of nets are they?—Drift nets.

14329. You have no drift nets at all?—No, sir.

14330. Are you able to say that the weekly close season is observed in the tidal water?—Yes, sir.

14331. There is no breach?—No, sir.

14332. Are there other fishing rivers in the Drogheda district where salmon are fished?—No, sir.

14333. None?—No, sir.

14334. Except the Boyne?—Except the Boyne and Blackwater.

14335. Those other rivers that we hear of in this district, are they trout rivers?—Yes, sir, trout rivers.

14336. Would you tell me what they are?—The Motick is the first.

14337. Where does it run?—It comes in from Cullen direction, and goes into the Boyne at Oldbridge.

14338. Then it is a tributary of the Boyne?—Yes, sir.

14339. Any other?—The next tributary would be—(The witness pauses).

14340. How long have you been inspector here?—Since 1903.

14341. That is nine years, and I should have thought that you would be able to go through the names of the rivers of the district quicker?—Well, the Boyne river, the Blackwater river, the river Deel, the river Black-

Chairman—continued.

water (that is another Blackwater that comes in from Kildare); it runs in a place near Timesbee. There are two Blackwaters in this district.

14342. One is a tributary of the Boyne, and the other is an independent one?—Yes, sir.

14343. And trout streams only?—Only trout streams.

14344. Do spawning salmon go into those trout streams?—Yes, sir, in the spawning season.

14345. Then they are valuable as spawning rivers?—Yes, sir, that is where all the salmon that go up usually spawn.

14346. But no salmon run in these rivers in the open season?—No, sir.

14347. Is it sea trout that run there?—No, sir, all brown trout. There are no sea trout past Oldbridge that I ever saw.

14348. Now, as regards the spawning in the Boyne, what are the principal spawning places of the Boyne?—Oh, there is a good part down here at Black Castle. It is very good.

14349. Are there not small tributaries of the Boyne that are not fishable, but that are good spawning grounds?—Yes, sir, there is the Motick, and the tributaries are mostly spawning beds.

14350. Are you able to preserve the fish in the spawning season?—Well, we are doing the best we can. We have not enough of men. We have a very large district. We have over 470 miles.

14351. That includes all the tributaries?—Yes, including the whole lot, and there are only eight men in the open season and eight more put on for the close season for 477 miles, so we are doing the best we can.

14352. Now, as to tenant purchasers, do you know the particulars, if any, of the estates that have passed from the landlord to tenants?—I do not, sir.

14353. Now, what class of people, as a rule, do you find poaching, particularly in the spawning season?—Well, we find the labouring men poaching.

14354. Do any of the occupiers of land in the neighbourhood of these spawning rivers take any steps to preserve the spawning fish?—They do not, sir.

14355. The work is left entirely to the keeper?—Yes, sir.

Dr. Mahaffy.

14356. How many miles in must you go to the highest tributary, would you say twenty miles?—Yes, and more. I go into between Edenderry and Kildare. The river Boyne rises above in Trinity Well, at Cully.

14357. Do you go into Westmeath at all?—Yes, I go in as far as Dunmore.

14358. Are those tributaries in rough countries or farms?—Farms.

14359. Very little of rough country?—No, sir, some of it rough.

14360. A small population?—Oh, no, a big population in Westmeath.

14361. But not in this country?—No.

14362. Are there any pike in this river?—There are, sir.

14363. Is anything done to keep them down?—No, sir, there is not.

14364. And they are a great pest?—Yes.

14365. And what is the quality of the trout you catch in them?—I suppose they differ in the different rivers very much?—Witness.—The pike?

14366. No, the trout, they differ in quality, I suppose?—Well, I never saw but one class of trout in these tributaries, brown trout.

14367. How big are the brown trout?—You might get them of different sizes, about half a pound to a pound and a quarter.

14368. Are they pink in the flesh?—They are brown, just brown trout.

14369. When you cut them open are they pink or white?—Well, I don't eat much of them. I don't get much of them to eat myself.

14370. Is any of that fishing good enough to let? I mean do gentlemen come and fish for the sake of sport?—They do, sir. Gentlemen come down from Dublin and fish in this river and in the river Deel.

14371. Is any ever set for money?—No, sir, it is all open fishing.

14372. I hear the salmon fishing at Blackcastle is greatly gone down in comparison to what it used to be?—I don't know.

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MR. JAMES WHYTE—continued.

[NAVAN.]

Dr. Mahaffy—continued.

14373. I used to fish it when I was young. Is there a run of salmon pond in this river?—I don't understand.

14374. Is there any fishing for peal here?—I don't know, sir.

Mr. Green.

14375. I think you said that there are no white trout in your district except as far as Oldbridge?—That is all.

14376. No other trout rivers at all?—Unless the Mauná and the Matluck.

MR. JOHN KEALY, recalled.

Chairman.

14377. Where do your Conservators meet?—Alternately in Drogheda and Navan.

14378. How frequently do they meet?—Once a month.

14379. And have you a good attendance?—Fairly.

14380. About how many?—The average is five or six.

14381. Are those elected or ex-officio members?—

Chairman—continued.

Well, there is a fair representation of both at those meetings.

14382. You have from five to seven?—Yes.

14383. Then, would you think that there are some of the Conservators of this district who don't attend at all?—There are.

14384. Not the elected ones?—Oh, no.

MR. RICHARD R. FIDDERBERY, D.L., J.P., examined.

Chairman.

14385. Do you live near Navan?—Yes, just about half a mile from that.

14386. And you are a fisherman?—Oh, yes.

14387. And you own a valuable fishery on the Boyne?—Yes, about two miles of water.

14388. You know the object with which we are here?—I know nothing about the purchase of land or sale of land at all.

14389. Well, the only reason we go into particulars of a river, and the general conditions of a river is that if the tenant purchasers become riparian owners, of course they are greatly interested, or ought to be, in the value of the river, and, therefore, in considering any suggestions that may be made, we are bound to go more or less into the generally existing conditions of the river, in order to enable us to make any suggestions that may appear requisite as to those streams, so that from that point of view we should be glad to have any information that you can give us with regard to any river in this fishery district?—Well, I have known this river for about fifty years and I have a return of the nets from the year 1875 to 1911. In the year 1875 there were 54 nets, draft nets and tidal nets.

Dr. Mahaffy.

14390. On the whole river?—Yes, down at the mouth of the river.

Chairman.

14391. Are you speaking of the Boyne now?—Yes.

14392. Will you speak of any other river but the Boyne?—No, except the tributaries. In 1876 there were 54 nets and five fresh water nets—they were snap nets mostly in those days. I think I had better hand in this return afterwards.

14393. Perhaps, instead of giving us the entire number of nets and the changes from year to year, you might give us two or three typical periods, and then the conclusion that you drew from that as to the increase or decrease of the fishing?—Well, before 1860 there were very few salmon, but the Act of 1862 made a great change in the river, and after some years there were step ladders made and Queen's gulls in those days, and many fishing weirs were closed. The nets averaged from 48 to 55 from 1860 to 1870. In 1870 there was an improvement in the river, both in the number of salmon and the size, but the nets also increased in number 70 to 80, boxes 3 to 4. In 1881 long draft nets were used in the river for the first time in the fresh water part.

14394. Now, at what portion of the river?—From Slane to Oldbridge and no nets above Slane. The season for netting was also lengthened by twelve days at the beginning. That was Sir Thomas Brady's inquiry. Well, I objected to the lengthening of the season at that time because the twelve days would give the upper proprietor a small chance, and he said the public must be supplied. I told him the result would be that the rule would in some later years have to be recalled; and that has been the case. In 1889 the season was shortened by the twelve days which had been formerly added. If the upper proprietors were not given a joint share of the fish they would not take

Chairman—continued.

any trouble to preserve; the Norm is a case in point. In the entire of the river Norm, where my brother fishes, the proprietors there take no interest in it, and it is poached from one end to the other.

Dr. Mahaffy.

14395. How far up is that?—About twenty miles on the Norm.

14396. Where is that?—In the Queen's County. I am mentioning that as a case in point.

Chairman.

14397. Now, after these long draft nets had been introduced in the neighbourhood of Slane, was there any appreciable change in the prosperity of the river as regards the quantity of salmon?—Well, for some years, from 1881 to 1885, there was very good fishing in the river, but then we had very wet springs, so that a great many of the nets could not fish. In 1885 we had the best season of all, and got 750 fish that year. But the nets increased enormously, and in 1888 there were 167 nets instead of 54 in the beginning of 1875.

14398. Where was the increase, was it in the tidal portion?—The tidal portion.

Dr. Mahaffy.

14399. Had you a net?—I had a net many years ago, but I never use it now.

Chairman.

14400. Well?—Then there are some of those boxes. There was a fishing weir at Mr. Durman's which had not been fished for a long time, it was in ruins up to that time, and it was rebuilt and two large boxes in place of four small ones were put in, and the river was deepened below them.

Mr. Green.

14401. Besides the nets, how many fishing weirs are there on the Boyne?—Six now. In those days there were only three to four, in 1875.

Chairman.

14402. Now, what was the result of the licensing of 160 nets so far as the fishing was concerned?—I don't know anything about the licenses.

14403. You say the number of nets increased to 160?—167.

14404. And they were mainly in the tidal water?—All in the tidal water, and four fresh water nets. Well, if you examine this list you will see that as the nets increased in a few years the salmon decreased.

14405. That is what I wanted to ask you?—Well, this will show you, if you let me give you the figures.

14406. It is quite sufficient if you just give it as that was?—Well, in 1885 there were 167; in 1887, 123; in 1888, 127; in 1889, 111. And then the amount of our salmon fishing decreased from 760 to 120 in 1837, to 98, in 1889; to 140, in 1889; and to 61, in 1890.

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MR. RICHARD R. FREDERICKS, D.A., J.P.—continued.

[NAYAN.

Dr. Mahaffy.

14407. But that is a long time ago. Have you the figures since that?—Yes, since that.

Chairman.

14408. What is it now?—It was 67, in 1892; 87, in 1898; 103, in 1894; 113, in 1895; 146, in 1896; 112, in 1897; and only 58, in 1900; 100, in 1901; 94, in 1902; 129, in 1903; 98, in 1904; 106, in 1905; and 79 in 1906.

Dr. Mahaffy.

14409. Of course, salmon fishing depends a good deal on weather and water?—Yes.

Chairman.

14410. A wet season is favourable on this river?—It is for us if it does not last too long. Last year we had too much wet, it took away all the fish, and they were always running.

14411. Can you give us the number of salmon for 1907?—180.

14412. Then it has risen again?—It has risen a bit. 14413. And the number of nets?—The reason there were so many last year was, that there was good fishing in the month of May. The number of nets was 77 in 1911, and 5 in the fresh water.

14414. Can you account for the decrease in the number of nets?—I suppose they didn't get the fish.

14415. The fish really didn't come?—I suppose it didn't pay them to fish.

14416. What opinion do you express generally on the subject of nets in the upper waters—are there relative rights and equities?—Well, of course, having a rod fishermen, I am altogether against nets in fresh water, and I think all nets, and boats, too, in fresh water ought to be done away with.

14417. There have been very few nets in the fresh water here, only 4 or 5, but there there are weirs?—Yes, there are 5 weirs now, there were 8 or 4 thirty or forty years ago.

Dr. Mahaffy.

14418. That is very bad?—Oh, yes, very bad.

Chairman.

14419. Do you think the falling off in the fish is attributable to there being more netted, and more caught in the weirs, or that the decrease is attributable to the destruction of spawning fish?—I think the spawning fish are better looked after than ever they were for the last twenty years. I attribute it altogether to the over-netting, because in 1875 the average was 60 to 57, and now the average is from 110 to 103; and, then, 6 boats in place of 8 and 4.

14420. Is that record of yours of the entire number of salmon caught in the river by all means?—No.

14421. Is that only salmon caught by rods?—The record I give you is of the number of salmon killed by the rod in my water.

14422. That is Blackwater?—Blackwater. 14423. Is there any means of obtaining a record of the entire take of salmon in the Boyne?—I don't know that. I have a record here of the salmon caught in the years from 1875 to 1896.

14424. But that would only be the rod again?—Oh, no, nets and traps. I can give you the names. Colonel Cockington—in 1875, 696 salmon, in 1886, 454; in 1897, 1410 (that was a dry summer, and the fish could not get through); 1898, 929; 1899, 831; 1894, 527; 1896, 425.

Dr. Mahaffy.

14425. By the weir?—Nets and weirs.

14426. Where would that be on the river?—Oldbridge to the mouth of the river. Thus I have the Slane fishing—1883, 699; 1884, 321; 1885, 541; 1886, 257 (that is where the great increase of nets began), 1887, 229; 1888, 332; 1889, 355; 1890, 79, and on down to 1896, 52. Then, in the Donmoye fishing (Mr. Jameson had it), they caught in 1895, 158, and in 1899, 80. The nets increased so much that in five years the salmon decreased.

14427. About how many miles of good salmon fishing are there from Oldbridge up—20 miles?—I don't know. Thus is very good salmon fishing down at Oldbridge. I don't know very much about the rod fishing down there. But I think about 16 or 18 miles from that up.

14428. Is there any summer fishing, any peal fishing?—No.

14429. Is it owing to the peal not coming in, or the river being too woody?—I think partly to the river being too woody, and partly to the nets taking all the fish.

14430. Were there plenty of peal in the river?—No. I never saw much peal in the river, some years ago we got a few peal in June, when there would be a wet season.

14431. There are many rivers where the peal have disappeared lately?—Yes. We don't get them.

14432. Are your average fish, the spring fish, a good size, say, about 15 lbs.?—Well, up to this, my season has got 64 fish, up to the 17th of March, and the average is 21 lbs.

14433. A very high average?—A very good average this year.

14434. You never had any sea trout to signify?—No, there are no sea trout ever come up.

14435. Do you ever descend to fish for brown trout?—Oh, yes, we got one last year up to 4½ lbs.

14436. Are they of fine quality?—Excellent pink fish.

14437. And, in the tributaries, you have that trout fishing?—Well, I don't know much about the tributaries up the river.

14438. Is the trout fishing a commercial item—could you let it?—Oh, I think so.

14439. People would come here and pay money for it?—I don't know whether it is good enough up the river for that.

14440. But it would be better?—In my water it is very good.

14441. Is it free with you—can anybody fish it?—Oh, no.

14442. You preserve it?—Yes.

14443. Are parts of the Blackwater close to this tract?—On the Boyne, above Nayan, I think part of it is free.

14444. And the Blackwater?—No, the Blackwater is not free.

14445. And there is no free trout fishing about here?—Not that I know of.

14446. There may be in the tributaries?—I know there is in the Beamin river. I think there is free fishing.

14447. And you think the fish are better looked after now than ever they were?—Yes.

14448. And there are fewer people in the country to poach?—Well, it is a very sparsely populated country above Trim. For the last forty years I have been looking to inquiries, and we have always suggested the reduction of the nets, but there has been very little done, and the consequence is that the fishing will never improve till they do away with the fresh water nets and boats, paying compensation for so doing. I say the people that have the nets ought to be compensated.

CAPTAIN C. F. WATKINS, continued.

Chairman.

14449. You reside at Nayan?—Yes; but, before you go any further to examine me about the fishing in the neighbourhood as present, I can read a letter which I think will give you information. I asked Mr. George Fowler, who is agent for the Marquis of Headfort, and

Chairman—continued.

what opinion on this fishing question is valuable, when I was speaking to him at Kells, if he would attend this inquiry and give evidence, and he secured me that he would do so, but he has unfortunately been prevented at the last minute, and he has written me a letter

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CAPTAIN C. F. WATKINS—continued.

Chairman—continued.

describing the situation there, and, with your permission, I should like to read this letter:—

I regret I am unable to attend the fishing inquiry at Navar. It is at present extremely hard to give an answer to question No. 1, as, although most of the land above Kells adjoining the Blackwater and tributaries is under agreement to purchase by the occupiers, the actual transfer has not yet taken place, owing to insufficient funds for the financing of the Land Act, and, until the land is actually vested in the occupiers, the sporting rights remain as formerly, pending the sale, no matter what the arrangement may be at the completion of the sale. Lord Headfort owns a large portion of the Blackwater, from Headfort Down to Virginia Lake. On his County Meath property, by the terms of sale, the fishing is exclusively reserved; on the County Cavan property the fishing is also reserved, but the occupiers adjoining the river have a right to fish, with rod and line only, so their own land; also their sons and regular workmen. Lord Headfort also rents the fishing on Captain Nagler's property. The tenants, who their purchase is complete, will, I understand, own the sporting rights, subject to Captain Nagler's life interest and the lease to Lord Headfort, so that, for the present, I may say, no great change will take place, but, in the future, when the transfer of sporting rights goes to the tenant purchasers, this must lead to a great increase of fishing, and the tendency will be to the over-fishing of rivers. I am of opinion that fishing, except where now are at present used, should be limited to fishing with rod and line; that the State should assist Boards of Conservators financially, in order to buy sites to build houses for water hiffs and to put on extra hiffs; that the power vested in the Lord Lieutenant to reduce, mitigate, and, provisionally, do away with fines imposed for poaching should be cancelled; that adequate fines for poaching be inflicted, otherwise the Conservators and the Irish Fishery Board may as well close their doors. As stated above, extra hiffs will be wanted to see that only legal fishing is carried on, that no salmon parr are killed, and that the hye-laws as to brown trout are enforced. I am of opinion that no new oil weir should be permitted, that these in existence should be watched by the hiffs, to see that they are legally fished, and not allow the whole river to be dammed up when fishing is going on, except at the net. The fishing being done at night, requires careful supervision. There is hardly an oil weir on the river with a proper King's Gap open on the fishing time. That the time for brown trout fishing should not start at the same time as salmon. No brown trout are fit to kill in February, and the date should be put back, so, say, March 20th or April 1st. I am of opinion that parr, which are numerous in the upper waters, do a vast amount of damage, that the Conservators should be given power to net pike on private waters.

14458. Now, you are a Conservator?—Yes.

14459. And you fish yourself and take an interest in it?—Yes, I do.

14460. Now, what portion of the river do you fish?—Well, I have no water of my own. I fish for salmon anywhere my friends are kind enough to let me.

14461. Perhaps, now, you would just give us any information or expression of opinion that you think would be useful to us in the course of this inquiry, in your own words, on the subject of the condition of the river, and how you think it might be amended. I take it for granted that you agree with the suggestions of Mr. Parker?—Yes, I do. Well, I have no general knowledge of the effects on the Bynes and Blackwater at all of the sale to tenants, no personal knowledge. As regards the Bynes, I don't think there have been any serious worth mentioning, at any rate between here and Trim, and perhaps for a very considerable distance up, but on the tributaries I fancy there have been a good many, but I have no personal knowledge whatever of that except as two cases. There is one case on a river called the Skean which comes down on the Dublin side and runs into the Bynes three miles above here. It used to

Chairman—continued.

be a good trout stream, and it is a very valuable spawning river, and it was sold to the tenants two years ago, and the result has been absolute ruin. It was on Mr. Bunsell's estate. He preserved it and looked after it, and it was a most excellent trout stream, and in taking it for trout you might always catch large quantities of parr and smelt.

14462. What have the tenants done?—I don't know that the tenants themselves have done very much harm, but the river is not protected at all, and it was fished last year. This Skean river is quite a small river and might be called a stream, and you could pump over it at places, but it was a very good trout stream indeed. I understood it was fished last year, in fact there is no doubt whatever about it. We tried to get evidence in order to bring a prosecution, but it was impossible to get any satisfactory evidence on the matter, and therefore we could not prosecute.

Dr. Molloy.

14463. That would be a very good property if it was left?—That was a property that was up to two years ago a very good trout stream indeed.

14464. Would it have a better value?—I would not say it had very much letting value. It was a very small stream, and the owners gave leave to their friends and you got a good basket of trout. The only other river I know in the district is the Delvin, which runs in between Duglough and Ballynaggs. A friend of mine owns one bank of it, and he told me the opposite side had been sold to the tenants, and all the trout had been netted out of it.

14465. Is that on the west?—Yes, it is a river that runs down from the highland and runs into the sea at Gormanston, between Laytown and Ballynaggs. Small sea trout go into that and into the Nanny.

14466. Then it has sea trout as well as brown trout?—Yes. I don't think you could honestly say it would be of any letting value. Like all those little rivers, it runs down to nothing in the summer. That is all I can possibly tell you about tenant purchasers, except that my opinion would be that it is a bad look out. As regards any suggestion, of course, if the tenant purchasers could be got to combine to preserve their purchases, I should think it would be an excellent thing, but I think it would be practically impossible to get them to do so. And as regards the fourth query, the resources of the Board are not adequate to undertake anything like looking after the trout streams here. We have more than we can do to look after the spawning fish.

Chairman.

14467. I scarcely like to ask you, as you are not a peepster, but the amount recoverable by rate appears to be absurdly small?—Well, it does. I admit I am very much in the dark, I know nothing about it, but I believe I am correct in stating that there is no valuation at all on the tideway nets, which would, of course, very largely affect it, but I don't know the legal aspect of the case.

14468. These never is a rate on them. That is a public right?—That settles the question. Now as regards poaching there is no doubt there is a great deal of poaching. We don't hear of half of it, because we have no one to tell us, and we have not enough hiffs. We put on eight permanent hiffs, while there are in the rivers and tributaries 477 miles of water. Now, is it possible that these men can in any way whatever look after that? It is a sheer and absolute impossibility. Our temporary hiffs we only put on in the last four or five years. I was anxious that they should be put on, and we decided to do so, but they are of little use comparatively. They go on about the middle or beginning of November, when we think the spawning fish are going up, and, as we want many, we keep them on to the end of January. They are only on for three or four months at the outside. We have eight, only eight, permanent hiffs at this time of the year to look after 477 miles of water.

14469. As regards poaching, do the police give you any assistance?—Yes, they give us a great deal. I want to make some suggestions about that. This year it is very important that we should have more hiffs, because the water has been very high, and I am perfectly convinced in my own mind that

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CAPTAIN C. P. WATKINS—continued.

[NANAN.

Chairman—continued.

a very large number of the big spring fish have run far up the rivers and there they will be all poached when the rivers run low in June and July. They go up to the upper Boyne and some of them occasionally go into the small rivers and they will be whipped out, and these are the fish we want to protect, and we cannot do that without more heliots, and it is most important that we should have them, and the least we might expect from the Department of Agriculture is to give us really material assistance. We applied for a grant the other day, and they wrote to say they would give £2 for every £1 we subscribed locally. Now Providence helps those who help themselves, but I do not think that a Government Department should make their assistance given to Boards of Conservators dependent on local subscriptions. Local people do subscribe in the sense of selling out their fishing duty. It may be only a small subscription, but it pays the heliots, and it is all the income the Board has. I quite agree that it is an excellent thing that local people should assist, but I do not think it is fair that a Government grant should be made dependent on that. We must have more heliots if this district is to be properly looked after. The Clerk has given you a mass of information about our scheme, I think. I merely add that for the last eleven years we have roughly had a credit balance per annum of £3 10s. 6d., which is not very much to play with, so I think that shows you that we do want assistance. Another thing which is most important is the question of fines. Fines are, I may say, invariably reduced by the Lord Lieutenant or the justices. My Board have been corresponding with the Secretary to the Lord Lieutenant, and we have passed a resolution, and there was a conference of Boards of Conservators held in Dublin the other day, and we passed a resolution, of which a copy was sent to you, Mr. Reilly, sent you a copy the other day. He has got a reply from the Secretary to the Lord Lieutenant now, and it can only be described (I must put the matter plainly) as most unsatisfactory. It was simply stated that has already been stated to us and to other Boards in Ireland, that none of these fines were reduced without carefully going into the matter with the magistrates who had inflicted them, and ascertaining their opinion. I am in a position to state that when they are reduced in the way they are, it is perfectly impossible for Conservators to carry on their duties or to continue prosecuting. I have a list here which will show you what is done.

14462. It is scarcely within our province to go into particulars, and we will ask you to confine yourself to the general statement.—Very well. Another thing is that we have not sufficient costs given to us, and in some cases which we had recently the Board are at an absolute dead loss of £14 15s. 10d. We are at a dead loss of that, and the fines are very largely reduced, and these are two very important things as regards poaching. I don't know how far the Wild Birds Protection Act applies in this country or district, but there are certain birds which are protected in some parts of the country, and they should not be protected here. Cormorants, I take it, are not protected, but gulls do an infinity of harm to fish, not only to the trout but to the salmon too, and any gull should be shot at any time of the year, and should be removed from the list of protected birds. You know the amount of black-headed gulls that you see on the inland lakes compared with twenty years ago. Go to Lough Shannell and you will see what gulls are. However, that is not in our district.

14463. Have you had a hatchery of fish?—We had a hatchery, yes. Another thing that I think is doing harm to the Boyne is the way that the cut weeds are treated. The Board of Works cut the weeds on the

Chairman—continued.

river for a considerable distance above Trim. They cut them up to Banoff Bridge and some distance above that, and they don't take the weeds away, and the consequence is that there are large accumulations of rushes in the lee-bay of the river, and when floods come these rushes are scattered over the place and eventually sink to the bottom and silt themselves.

14464. How are the Board of Works concerned to cut these weeds?—I suppose under a drainage scheme. A good deal of the upper portion of the Boyne has been under a drainage scheme.

14465. That is, to clear the river?—But they should take the weeds out of the river when they cut them and not leave them in the river to rot. There is one thing I should like to mention on the question of the nets. I may mention that in 1911, owing to the public spirit of the proprietors of some of the nets, they were taken off. Mr. Osborne's nets at Rossmore were taken off for three months, and Mr. O'Donnell's and Lord Conyngham's also, and they had a good year at Black Castle and Mr. Fishburne had 150 fish killed in his water in that year. Now that is a very strong point in favour of the view that fresh water nets do harm, and I am of opinion myself that fresh water nets should cease to exist. They do a lot of harm. On the first day of the season of 1911, when the water was extremely low, almost at summer level, I won't give you the exact figures, but I know I am perfectly correct in stating that there were over forty big salmon caught at Oidridge in the one day which weighed over 600 lbs. They were caught in one day by fresh water nets, and that may give you some idea of what fresh water nets do in the year when that was done in one day. The trout fishing in this district used to be very good indeed. I am very fond of trout fishing, and used to do a great deal of it, and on any suitable day, from Patrick's Day on, with suitable weather, I could generally get a nice dish of trout, very often a very good basket indeed. Well, that has altogether gone to the mischief, and, of course, it is very difficult to give any reasons for it, but I think one thing at any rate that would help us very much, and incidentally help the salmon too, and save a large number of salmon fry, would be if the trout fishing did not open on the 15th February, as it does at present, which is far too early. I need not tell you that trout are not fit to catch, to eat, or anything else then. They are splendid trout, the Blackwater trout are just as good and as red as salmon, and they are good trout in all the Meath streams.

Dr. Mahaffy.

14466. They run through rich land?—They run through rich land. The Board applied to the Department last year to hold an enquiry, with a view to opening the trout season later, and I am sorry to say that the Department did not hold it.

14467. What about pike?—Well, there are a good many pike in the upper Boyne, and there are a good many pike in the Blackwater. I don't know that there are many pike in the small streams, with the exception of the Moyalty river, and there you get a certain amount of them. Most of those trout streams are very valuable spawning streams. The Moyalty, which is one of the best trout streams in the district, in one of the best spawning rivers you could have anywhere. It is very good, indeed, and I don't think that the country people should be in a position to start out on the 15th of February with a big hook and a worm to kill every mortal thing that they can catch, and if you could get the Department to have an inquiry held by which the trout fishing would open later instead of on the same day as salmon, I think it would be of very great advantage to the salmon and to the Boyne in every possible way.

MAJOR T. G. COLEMAN, examined.

Chairman.

Chairman—continued.

14468. You are a fisherman, I presume?—Yes.

14469. Are you a Conservator of this district?—Yes, I am an elected Conservator.

14470. For what division?—For the Navan district, the upper portion.

14471. Now, you have heard the evidence that has been given here?—Yes.

14472. And, perhaps, you would give us any additional information that occurs to your mind with regard to the subject of our inquiry?—Well, I

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MAJOR T. G. COLLIER—continued.

Chairman—continued.

thoroughly agree with most of the evidence that has been given before, and I do especially with Mr. Fitzherbert's evidence. I think the net fishing and the rod fishing are like two buckets in a well, because when the nets are low the rod fishing goes up, and next year, when there are a lot of nets, the rod fishing goes down. I think, there is no doubt about it, that the decrease of the fish is due principally to over-netting and to under-preservation. You have heard we have only 16 halfpence in 429 miles of water. That is ridiculous. But there are other views of preservation which I think are never sufficiently gone into. Mr. Watkins touched on it in regards the Wild Birds, and, certainly, in my recollection, while the fish ten years have decreased in the Boyne, I think the number of wild birds on the banks has increased enormously, water hens, coots, and dab ducks principally, and the habits of these birds should be required into. It is a disputed point whether they do harm or not. I see in the Field where it is reported in Devonshire and other places that they do considerable harm, and there was one man who had a trout hatchery, and all his small fry, young things about the size of a minnow, almost disappeared, and he could not make out what because of them till he watched and found that the water hens were eating them. People say they are perfectly harmless, but I don't believe it. I am sure they do a lot of harm. I am sure they eat salmon eggs and trout eggs; and these are things which you must see to, if you want to preserve the fish, and it is just like poisoning game, the greater part of a keeper's duty is to destroy vermin, and I think that these vermin that attack the salmon, namely, the birds, and pike, and otters, and every sort of vermin, should be destroyed.

Dr. Mahaffy.

14473. Have you many others?—Yes, we have, far more than people think. There are any amount of others on the Boyne.

14474. Are they over hunted?—No, the river is too deep. I don't think you could hunt them. Of course, what is everybody's business is nobody's business. And hence also have increased enormously.

Chairman.

14475. You think that, in certain circumstances, the Wild Birds' Protection Acts should not apply?—Certainly. It is the same with the sea fisheries. Everything is done to encourage the sea fisheries, hettings and mackerel and all fish, but at the same time the gulls and all those destructive birds are allowed to increase, and there is no attempt to keep them down.

14476. Before the passing of that Act which protects them, did anybody ever destroy them?—That I could not tell you. I don't know enough about it.

14477. You think that they have increased in number?—Yes, I am certain of it.

14478. I don't remember that anyone ever thought it his business to shoot gulls, or water hens either, because they destroyed fish?—The fact remains that the birds have increased and the fish have gone down, and I am trying to find a cause for the decrease. I remember a long time ago we could catch perch in plenty up to 2 lbs., but I never hear of such a thing now, and the only thing I see that has increased while the fish have gone down are these birds; I believe the police should help in the preservation, and I think the coastguards would be very useful men with guns, and they could shoot cormorants at the mouth of the river.

Dr. Mahaffy.

14479. Are not the coastguards shelled?—Oh, no, I think they exist still. It is nobody's business to kill seals. We offered a reward of £3 to people to go out and shoot them, and I think that should be the business of the coastguards.

14480. Seals are not mischievous?—Oh, they follow the fish, and it is said that they keep the fish out of the mouth of the river; certainly, some years ago, I can't remember the total number of fish I got, but I know I had 18 fish that were marked by seals, and other people told me exactly the same thing. They get into the mouth of the river, and it is very narrow. Then there is no effort made to keep down the pike. Some years ago we wanted to put a premium on the capture of

Dr. Mahaffy—continued.

pike, and we were giving people 2d. or 3d. a head, and the difficulty was to distribute that money, and the only suggestion that we could make was that the police should do it, that any man that caught a pike should bring him back to the nearest police barrack, and if the police sergeant reported that he received so many bolls we should give the money to the police, and they should pay it, and then the chief of the police in Dublin stepped in and said it was no part of the business of the police to do this, and that was knocked on the head.

14481. Could you not have got some official of yours, some of your inspectors here, who would have done the same thing?—Sir, you see, it takes the inspector a month to go around the whole district, and a pike's head would not keep for a month, and you cannot tell when he might be here.

14482. You could have got some local person to do it?—We tried that, but the simplest thing seemed to be the way I mention, seeing that police barracks were scattered all over the country. You might get a resident here to do it, but not in another place.

14483. How would you propose to kill them—by night?

14484. In the woody and shallow corners of the river where they spawn, and other fish won't lie, you can catch them?—Oh, yes, we might, as a Board, if funds permitted.

Chairman.

14485. Can you give us any information as regards fishing weirs now on the Boyne, how many are there?—There are six. I mean salmon fishing weirs, at least six traps, I think. There are three weirs, and they work two traps each. Another thing is the improved method in netting. In 1860, I think it was, that the really improved method of netting came in. Before that it was chiefly snipe nets, or all trap nets. In 1860, the long nets, 40 yards in the fresh water, and 75 in the tidal water, were introduced. I don't think anything can be done without further legislation. I think we have gone as far as we can at present under the old Act, and my suggestion would be this, that I would do away with all trapping and setting in the fresh water. Compensation will, in certain instances, have to be paid, no doubt, and we want funds for that, and I would raise all the licences, and put salmon fishing on exactly the same footing as game shooting. You pay £3 for a game licence, and in this country you get very bad value for it, and you might get good value in salmon fishing, and salmon fishing is just as good sport with a rod licence as the sport with a gun licence, and I think it is worth just as much, and it costs as much to preserve the river, and I would put £3 on the rod, and the salmon fishing net licence I would make £10.

Dr. Mahaffy.

14486. What about a trout licence?—Trout is such a negligible quantity, being so bad, that we have hardly regarded it up to this. I think it might be a good thing to put a small licence on it. I think a small trout licence would be a good thing, and it would certainly bring in money. But that would be my idea. I would have £10 for the net, at the very least, and that would have a double effect. It would reduce, perhaps, the number of nets, and the people who had the nets would be able to make a living. At present, if you have a good year, you have a whole stock of nets, and those people make nothing, and the following year the number goes down again. It went from 60 in 1880 to 167 in 1886.

14487. Could not anybody start to net that time?—Well, yes, in the tidal water.

14488. No, but to net in the river?—You would have to own the fishing rights on both banks. I think the coastguards should assist in the carrying out of the fishery laws at the mouth of the river, and assist the bailiffs in seeing that the laws are carried out in the tidal part. We have only two halfpence in the open season, in the tidal water, to look after what value from 130 to 80 nets. Another thing is the habits of the salmon themselves. We are grasping in the fish at present, and there are a lot of theories put forward, and particularly in Scotland. The theory is now that the salmon spawns only once in its life. I doubt if that theory be true. Is that one of the last

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MAJOR T. G. COLLINS—continued.

[NAVAL.

Dr. Makaffy—continued.

is useless, and, in fact, most destructive, and, instead of preserving your kelt, he ought to be destroyed, because the kelt is as bad as the pike, and eats the small fry, but that is not yet established.

Mr. Green.

14492. Did you see our returns of the marked fish at 815?—On this river, no.

14493. No, but on all the rivers in Ireland?—No.

14494. Because it has a considerable bearing on that point that you were speaking of now, that is, that the salmon only spawns once. If salmon only spawns once, why do they come into the river several times, and those marking experiments, carried on for 20 years, show that they must come into the river many times?—I am glad to know that. Then, as regards the statistics of the fishing, it is very hard to say whether the river is going up or down without proper statistics of all the catch, and it is almost impossible to get that. If it is a bad net year, it does not follow that it is really a bad year for fish, because, if it is low water, the fish are all caught at the mouth of the river. Take 1887; Mr. Fitzherbert's fishing went down, and Colonel Coddington at that time got a thousand fish at the mouth. You could decide that matter if there were reliable information as to the entire amount of fish taken by all means, nets, etc., in the river, but there is not, there are no proper statistics available, and in the report of the Board of Agriculture you had the nearest approach to a return that could be got, but you have ceased to publish it now.

Chairman.

14495. You suggest that they might be published?—I think that they certainly ought to be kept up. I don't know if they are still collecting the statistics. They stopped publishing them on the ground of expense. But

Mr. JOHN MASTERS, examined.

Chairman.

14496. Where do you reside?—I reside at Dunfer.

14497. You are interested in fishing?—I am Hon. Secretary of the Irish Salmon and Trout Association.

14498. With regard to the primary object of our enquiry, the passing of land from landowners to tenants, have you anything to tell us in connection with the fisheries?—Well, my counsel recognizes that that was a matter which had to be faced. We find that by a mutual agreement between the two parties that the tenants, although at present not getting any value on it, would be brought into system for self-protection. I think if you refer to the report of the Vice-regal Commission you will see they say in paragraph six, on the Depletion of the Fisheries: "The highest object to attain would obviously be such a combination of all those representing diverse interests as would give rise to a fair and harmonious treatment of all parts of a river, and, as a result, lead to the ultimate benefit of all." I think that forms the basis of what the agreements between tenants for the preservation and equipment of a river should require. I think that is the foundation, and it would be well if that could be arrived at, and I think it is an extreme pity that the two interests should be brought or attempted to be brought into contradiction, for I hold, and hold strongly, that they are not divisible. That is what I mean by the two interests. The tidal waters and the inland proprietors have both reciprocal interests, because if you bring these into antagonism, you reduce not only the productivity of the river but you also reduce the practical protection, which is of great importance. I am sorry that the Department's idea is to keep them in contention, for they refer constantly to the poor man, that is, presumably, the man fishing in the tidal water. Now, it is not correct, the naming of them as the poor man, because the poor man is practically only a tenant for the year of the big fish factor who supplied the licence duty, the nets, and the boat for the year.

14499. Is that the case here on the Boyne?—Yes, that is on the Boyne. It is the case here that the

Chairman—continued.

I have got the returns here as far as they went, they started in 1900, and there was a return of all the fish caught by railway and by steambreak from this district, from Drogheda. In 1900 from this district there were 41 tons of salmon sent away, nearly 42; in 1901, 40 tons; in 1902, 38 tons; in 1903, 30 tons. One would have to take the condition of the water into consideration with this. In 1904 there were 33 tons; 1905, 45 tons 11 cwt.; 1906, I have not got; in 1907 it dropped again to 32 tons 2 cwt. I think that is all available. It shows all that the nets are doing. 35 tons of fish is a very considerable amount. Now as to the rising value of the river, I think it is good to remember that the fishing on the Boyne is from Drogheda to Navan. You might wipe out all above Navan. Eighteen miles above Navan you might catch four or five fish, but it is absolutely a negligible quantity, and I believe the waters up there are practically rated for nothing. It is the same in the case of the Blackwater, half the places rated are valueless. In the case of one place on the Blackwater the rate is 23, and there has been one fish lifted on it in my lifetime, and in another case I think only two, so that as regards the rating, I think it should be confined to the district from Oldbridge up to Navan. It is tidal as far as Oldbridge. From Oldbridge to the mouth would be about five miles I think.

Mr. Green.

14498. About those netting places, I should like the other members of the Committee to know how many netting places there are for salmon between this and Oldbridge. Can you say how many there are?—Well, none,—in the fresh water?

14499. Yes?—Oh, they net at Slieve. That is the first net. That is a snap net. And then they net at Bessmore, and then at Newgrange, and below that again at Mullinard, and then at Oldbridge.

Chairman—continued.

fisherman is hardly ever out of the fish factor's books, that he is not an independent man. The fish factor, on his own side, naturally and justly enters the fish at a low price than the market price; he recoups himself. Now, at the annual meeting of the joint boards of all the Boards of Commissioners in Ireland, the inland proprietor pays 62 per cent., and, according to the evidence of the Department before the Vice-regal Commission, that was £300,000. That was the value taken at the Salmon Fishing Commission. With the Flax-Growing Committee it is estimated at half a million, which would show an increase. I am taking the lowest figure of their estimate, the £300,000. Both the Commission and the Committee state that the capture of the fish is in the ratio of one-third to the inland man and two-thirds to the others, and you may take that as the inverse ratio of their contributions to protection and recuperation. I mention that because I am so strongly of opinion that every caution should be taken to avoid bringing or creating a contentious spirit in this case, and it has been always my object, in all my work, for years, in this Association, to bring about that better understanding, and where it has been brought I find it of enormous value. Of course, when I deal with my Association I will bring you to their actual work, which is tending to that. In dealing with the question, I am not going through the abstract of figures which I have presented to you of the different expenditures. I am not going through them, because you will find them before you. But now, dealing with the fishermen (you have asked me about their circumstances), I have a suggestion to make, that is, as to the fishermen who are fishing under the fish factors. These men (as, no doubt, has been pointed out to you in evidence) are not in a position, for want of capital, to supply a boat and net and license, which may mean, say, £3, £4 and £5, or something like that, and Mr. Green can tell you more than I do. Now, my suggestion to deal with that is this, if proportionate facilities were afforded to this class of fishermen, the same as

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MR. JOHN MAURICE—continued.

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are afforded to men of the same class in sea fisheries, it would tend to create an independent, self-sufficient and a more individually prosperous class of men, and would, in my opinion, mitigate through the scheme of self-insured protection, a considerable amount of the poaching at present said to exist. Look at the Land Act, when a man becomes a tenant owner see how he improves the land.

Dr. Mackey.

14499. Not always?—Not always, but you must take the majority of the men.

Chairman.

14500. The difference between this and sea fishing is, that it is for a longer period. The industry exists over a longer period in the year—I am aware of that, but they are both equally important, and they are both a national asset. That is the suggestion that I have to make. It is a question of adjustment, and I think the records of the different funds allocated for such purposes in Ireland clearly demonstrate, from the small ratio of unpaid or outstanding balances existing in comparison with the total of the amounts advanced, the indisputable soundness of the security. They are very small. I beg to point out to you that, in the preparation of the statement that I have sent in to you on the part of the Association, I in no way sought to prove any individual case. They are made out accurately from the figures that have come to us. In October, 1907, we asked the Vice-President of the Department to form the Committee which you constitute now, and I will send you in, as a Memorandum, our grounds and our reasons for doing it, which I think are nearly on the same lines as you have got your reference here at present. Of course, the Department, at the time, I recognise, were not in a position to do so. At all events it has come. Before briefly referring to the abstract, I think it desirable to read you my Council's memorandum in reference to the obligations or the requirements of obtaining a grant, and the necessity for a grant.

14501. From what source, and for what purpose?—For the inland fisheries only. The inland fisheries are, admittedly, in a deficiency, and if it was not for private subscriptions by riparian owners, what is apparently the credit balance to their credit would have ceased long ago. Of course, the Department, you must remember, only came into existence in 1901, and I think that you are aware that the grants that the inland fisheries get from the Department are really practically residue, the residue after the other amounts that have been allowed during the year, and I think that you are also aware that the demands for these other grants have considerably increased, for re-foresting and other things, and I am afraid that the inspectors will not be able to secure so much as they have done.

14502. Well, I think the statement that you have made on that subject, together with the evidence that you have received as to the application by Conservators of the funds at their disposal, puts that fairly before us?—I am not going into the details of the matter at all, but I will mention the objects for which

Chairman—continued.

the grant is required. (I want to show you how it could be obtained in a better manner if the time permitted.) These are the objects—The proper protection of the upper and lower waters during the open and close seasons; the improvement of the feedlines for the passage of fish from the lower to the upper waters, the establishment and up-keep of hatcheries for non-migratory in the several fishery districts in Ireland, for the purpose of stocking the inland waters, the right of fishing for trout in which should be subject even to a public licence duty or to a subscription to a fishery association. This grant should be especially devoted to the purposes of the inland fisheries only, and that grant must, at least, be £10,000 per annum. Now, to justify the grant, the figures for the last 16 years show that the statutory income of the Board available for the present admittedly wholly inadequate protection of the inland waters, is deficient by the sum of £1,280 per annum. Now, sir, mark you, that is the statutory income. This statutory income is the income derivable from licence duties, and the ten per cent. rate, and to that I have to add contributions and fines and other things which must be taken into consideration. This deficiency is at present made up by voluntary subscriptions from the fishery owners and by the Department grant. You are recognising there that the riparian owners in reality contribute to the up-keep and support of the inland waters. This deficiency should be the first charge upon the proposed grant, and the balance of the proposed grant is, in my opinion, the minimum sum required for the purposes which I have set out. Now, in the Local Government Act, of 1895, it is contemplated that the counties should contribute towards the maintenance of the inland fisheries as an industrial asset, by the sinking of a rate of a halfpenny in the pound on the rateable valuation of District Council. This rate, if levied by the Council within whose area valued fisheries only occur (and I have excluded from this every District Council in which no valued fishery occurs, and you have the list), would produce an income of £11,474 per annum. In no instance has such a rate ever been levied, as you are aware. On the other hand (and I do not think this has been brought directly before you), the Councils have received, since the passing of the Act, from Poor Rate saved on the valuation of inland several fisheries, a sum amounting to £6,585 per annum, from which those inland fisheries have derived no benefit whatsoever. Now, you must recognise this, that when a man is paying his ten per cent. fishery rate he also has to pay to the County Council on the whole residential, so that he is paying a double tax for his fishing as an industry. Now, the agricultural land attached to the bank of each river has discharged all its obligations fairly in the way of way-leaves or footings. There is, thus, a fund of £17,509 per annum made up of a sum of £11,474 which has not been levied for inland fisheries and a sum of £6,585 which has been raised, but it has never been spent on the inland fishery, out of which the proposed grant may be provided. It is, therefore, suggested that any grant made by the Treasury should be recouped by means of a reduction from the grants in aid, or otherwise, from the County Councils, as I have pointed out.

The Committee adjourned for luncheon, and resumed at 2.30.

MR. JOHN MAURICE, recalled.

Chairman.

14503. Will you continue your evidence, Mr. Maurice?—Very well, sir. Now, I will call your attention briefly to the question of how the fisheries of the Board of Conservators are affected, taking the gross of the yearly averages. Of course, I think you have had ample evidence that their actual or subsidiary funds are not consistent with the amount of expenditure. There is no use in going into that question. Now, we take the licence. The annual average licence duties amount for the 15 years to £10,300. I think you may take that as fairly giving the amount for a standard year. I think you may take that as a fair basis to go on, and if I refer to the Government, I mean any Government of

Chairman—continued.

the day. I am not a politician. One Government is to me the same as another as far as fishery is concerned; and if I refer to the Department, I do not refer to Mr. Green or the others. I simply refer to the Department. I wish that you distinctly understand that. Before dealing with abstract, I want to draw your attention to a matter of importance. The important matter is this, that the Clerks of the Board are practically independent of the fishery inspectors of the Department in their keeping of the accounts. The Department exercise a supervision, but they have no controlling power. I think I am correct in that.

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Mr. JOHN MACQUEEN—continued.

[NAVAL.

Mr. Green.

14924. They are submitted to us?—You might possibly, by courtesy, get an answer from them, but you cannot enforce your view. What I mean to say is this. That the license duties are fixed. I have known inspectors, on a sudden, at all events, where the license duty was received, and not recorded to the benefit of the Conservators.

Chairman.

14925. We are not here either as a court of appeal or a court of examination?—I am only referring to the difficulty that is in it. I want to show the difficulty that the Boards of Conservators and the Department itself are under in the matter, it is not an individual matter.

Mr. Green.

14926. You refer to the clerks in general?—The clerks in general. I am giving my evidence as a whole. I am not referring to any particular Board of Conservators. I know an instance where the money receivable for license duty was lodged in the clerk's own personal account, and discharged out of his personal account, to meet the monthly expenses. Now, I really mention that, not in the personal instance of the individual, but to show fairly the difficulty the Department is in. Another thing is this, that the present authorised system of accounts makes it extremely difficult, from my own personal knowledge, for those who are responsible to have any check over these matters. You get one end of account at one end of the book and the other at the other, and you have no means or facility, of reference, or record alphabetically of the licenses issued in the district. I mention that because, though they see matters of detail, sir, they bear, in an important way, upon the responsibility of both. I deem, at the first instance, which really does come under you, to refer to this ten per cent. valuation. The ten per cent. valuation, I am afraid, Sir David, is a very difficult question to face, because the Boards of Conservators, from my own experience, gained no advantage, or practically no advantage, in valuing a fishery up to its full value. For instance, if a fishery is valued at £50, it practically results in no pecuniary advantage to the fishery board in itself, because of the rebate allowed for license duty, which wipes it out, and, therefore, it is out of the question for the Conservators or officials or anybody to seek to increase that valuation. I, in my early days of Board of Conservators' work, thought I had something to gain, but I looked into it, and I found that the gain is not to the fishery board, but simply and solely to the County Council. I would rather see the increased value put on, but I do not think that an industry like this should be taxed when it is a national industry. I mean to say that I do not think that an increased valuation should be put on which would deter a man rather from increasing his property and increasing a national asset. I mean that, that your fishery is valued, we will say, at £50, and if you, by your own exertions, or the co-operative exertions of others, increase the nominal, or apparent, value of that fishery, I don't think that it should be drastically, as it were, taxed, either for council or fishery purposes. You see, the fisheries pay ten per cent. on the increase of its valuation, but that valuation is not retrospective to the fishery. The Councils would receive this, absolutely and directly. They make no return to the fishery board. I am not going into the question of representation, because I don't think that that comes before you. I mean to say that the Department and others might think that there should be reciprocal representation of the Councils on the Board for the influence in the pound. Well, I think, if representation should be afforded for the money, it is the Fishery Boards that should be represented on the County Council. I know the difficulty, and I am not going into controversial points. I am only trying to deal with the absolute facts. Now, I am quite prepared to say and admit, that, as far as practical valuation goes, the inland fisheries are undervalued. You see what I mean; but I say, and I hold strongly, that that valuation should not be increased till such a period of years as it has a chance of being respectable, that there should be a bar till such time as it might come in, but if you put a tax on the new riparian owner, he either objects to it or becomes indifferent. He becomes indifferent

Mr. Green—continued.

if his fishing is of no value to himself personally. If it is of value to himself, sir, he immediately becomes harder, in a way, against the man above him who has not preserved. Of course, in the Bays, that is quite a different matter, because it is practically, from the sea up to that, large riparian owners, and they are, presumably, equally assessed according to their valuations, as the case may be, but where the difficulty comes in is on the tributaries. There it is almost impossible to assess the valuation down to a collectable item. Now, you have had experience of drainage boards, and the small items of 30, and 3d. that result, you will understand, in the collection. It is harder to collect 2s. out of a man than it is to collect 4s. It is a very difficult question. I have tried to work it out as far as I could. I say that there should be a minimum valuation. I admit the difficulty that there is before you in arranging it, but I have frankly gone into it, and I say that any increased valuation, under existing circumstances, does not accrue to the fishery, but accrues to the Council, and that is why, during my long years, I have never supported an increase in valuation. Of course, you have all the returns dealing with the financial relations of the two Boards. You have got the actual position. With regard to those returns, of course, I want particularly to state that I have taken them, through the kindness of the Department, out of their valuation list, and in the cases that may arise, which, in several instances, do arise, of a district being in two counties (because they are not governed by counties) and you must remember that the boundaries of the fishery board are entirely directed by the catchment area, and nothing else, and the catchment area goes in and out of the Rural or District Council's area as it may. I have apportioned them to the catchable valuation of the district. I want you to understand that, because the difficulty of this might occur to you in making your report. Now we come to the fines, and sales of engines. As far as I can gather from English Parliamentary papers, the law costs are provided in some shape or form; they are provided for in the Parliamentary votes for both of those boards. But our circumstances are different, I assure you. I assume, frankly, that the loss, roughly, to the united Boards of Conservators is £400 a year. It is something over that. That is the difference between the expenditure and the income, and the proportionate penalty and the amount received from fines and sale of forfeited engines. This is, I estimate, a loss of £400 a year. Now, if that was in the Department's hands (I admit that I do not at present like the casual word "Department," but what I mean is, in the hands of a central body), I hold that the prosecutions would be more uniform, they would not be dependent upon individuals or upon experience of the absolute majority of the Board of Conservators, or what I might call pick-up meetings, and that they would be independent. The decisions would be uniform, and the matter would be less expensive individually, although I admit that there might be a slight sacrifice with regard to individual solutions of the district. Still there must be a sacrifice somewhere when a great good is to be gained.

14927. Do you suggest that prosecutions should be brought before any tribunal than the Petty Sessions Court?—No, I do not suggest that. I was speaking of the costs. But you have heard a great deal of the reduction of fines. Now, frankly, I say that the fault, in these cases, rests entirely with the magistrates for their want of attendance, and I have no hesitation in saying that cases come before me, and that I have been asked in my own district, but I say it is fair in war when certain tactics are adopted on one side that similar tactics should be adopted on the other. You understand, without going into the details, what I mean. I say that it is want of attendance. Now, in reference to the question of interest, there is practically an unused balance in the hands of the Boards of Conservators annually at the final closing of the accounts of £6,217. That is, you must remember, after the balance that was carried forward of the annual statutory income of £13,000 a year, and the interest that is received for that, and you must remember that the majority of the assessors open on, or not later than, about the 1st of March. Therefore, I infer from that, that the bigger end of the money should be either in bank or in possession of the clerk, and, when you realise it,

19th March, 1912.]

MR. JOHN MAGUIRE—continued.

[NANAN.

Mr. Green—continued.

you will see that the small amount of interest accruing or received, taking credit for the whole period of years, was £228. I told that it is an idle fond. It is not those retrospective. I have dealt with the question of subscriptions. I think there is only one thing that I am in slight disagreement with the Department about, and I don't agree with. I don't like these voluntary contributions to be asked for, and I would rather see them on one uniform rate. I am quite prepared to take the £2 to £1. I hope that when going before Mr. Green he will give my association assistance, but I should like to see it uniformed. In being uniform, it prevents a sort of dissimulation on the part of people who do not understand the circumstances, which the Department know and I do not know.

Chairman.

14506. When you speak of it being uniform, what exactly do you mean by uniform?—Well, in some instances the Department grant a sum in the proportion of £2 to every £1 locally subscribed.

14509-10. You mean that they have a discretion as to the amount?—I don't want to take away their discretion, but I would rather see it a little bit closer. Now, sir, take the question of water bailiffs. It is admitted that the wages of the water bailiffs are too low. It is admitted in the Vice-regal Commission that the wages paid by them are too low.

Captain Westlake.—I think that is rather a question for the Boards of Conservators themselves?—I am giving my evidence here entirely independently.

Chairman.

14511. The witness is dealing with the question generally, and this bears on the subject, of the general conditions of rivers all over Ireland. It is not in regard to the Conservators of the Boyne in particular?—It is admitted that the wages, in the great majority of people, are not nearly approaching the amount of a living wage. In some instances they get £1 2s. a month. Well, you are not going to ask a man to get his head broken for £1 2s.

14512. Will you bear in mind that we have had a great many inquiries and got a great deal of information as to the wages and other conditions connected with the preservation of rivers in different parts of the country, and we have had evidence of various systems before us. In some of these men gave their whole time at certain wages, and in others men were only casual watchers at a certain wage, and we have had that very fully, so that I do not think you can add anything?—I do not mean, sir, but what I say is this, that I would pay the constabulary a wage of £s. a day when the man is on fishing duty, and that he should directly receive the ordinary proportion of the fine that goes to the informer. I quite admit that I am aware of the constabulary circular in reference to it, but what I find from experience, sir, is, that the man actually prefers to receive an immediate pay-

Chairman—continued.

ment instead of a deferred one. I think it is a fair proposition to put before any Department or before the Government. The Government, by their different Acts of Parliament, apportioned certain duties to the constabulary, those duties, sir, have absolutely been wiped out, and no Government, either the Government of to-day or the Government of other times, has ever made any recompense, monetary or otherwise, to afford assistance in the place of what they have taken away, which was, admittedly, at the time it was in existence, of some value. That practically deals with the matter so far as I am concerned.

Dr. McHaffy.

14513. You are acquainted with the River north of the Byme?—Yes.

14514. With that river up at Castloughlinham?—Yes, the Dee.

14515. And the one at Dondalk?—Yes, the Fane.

14516. Do you know what fishing is on the river?—Well, I do, sir, there has been very good fishing up as far as a place known as the White river.

14517. Salmon fishing?—Salmon fishing, and the fish are apparently running large this year. Of course, the Fane is not open yet.

14518. This river where you say the fish run large, is it properly protected?—No, it is not protected, it is only a very part of the water. The protection is not very much, but my association is protecting a portion of a tributary running into it. It is important to increase the spawning area in the White river.

14519. Is there anybody fishing?—No, sir, most of it is reserved, I mean for salmon.

14520. By the association?—No, not in the Dee, but the Association will, I think, have the larger proportion of the upper reaches of it in a short time.

14521. Who are the private owners?—Lord Rathdownell, Mr. Boyle, Mr. O'Connor, and Mr. McCloskey.

14522. And all that is in their hands that has not been sold to the tenants?—The fishing rights, at all events, are reserved. Of course, there is no doubt, sir, that if the scheme of the association is able to be carried out in the establishment of a bailiwick at Castloughlinham, it would reappropriate the river. It was originally very good. In portions there are pike, but I think that with the assistance, possibly, of the Department the pike may be reduced. Those are the matters that you have to deal with. The association's work is entirely co-operative, and through the co-operation we bring the riparian owners into an agreement. They have all the rights of fishing in their own waters, and they may give permission to a friend, and no charge is made. If they wish to fish any other portion of the river we only charge them a small fee. I prefer that system to the system of license, because I am entirely against free fishing. As soon as a man pays something to fish it becomes immediately a bribe. Any other matters that I might wish to offer you I can send on.

MR. JAMES KIRK, examined.

Chairman.

14523. Where do you live?—At the mouth of the Boyne, Maiden Tower or Moonington. Moonington is my postal address.

14524. Are you a fisherman?—Yes, sir.

14525. Are you a net fisherman, and where do you fish?—Well, I fish with a drift net on the Boyne.

14526. In the tidal water?—In the tide.

14527. What is your season?—Well, from the 11th of February, and this year it will be to the 13th of August. It used to be to the 4th of August.

14528. Now it is to the 13th of August?—Yes, to the 13th.

14529. What is the description of your net?—It is 75 yards long.

14530. What mesh?—The mesh is from seven inches and on as you like to make it. It must not be less than seven.

14531. It is the legal mesh?—The legal mesh.

Chairman—continued.

14532. How many nets of that description are there down at the mouth of the Boyne?—Well, now, I couldn't tell you for sure. There are a good many in it.

14533. We have heard that there were 70.—What license do you pay?—I pay a license of £3 for the season.

14534. Is there anything that you could tell this Committee that you think would be of use to us about your fishing?—Well, the only thing that I consider would be of any use (and I am not speaking for myself, I am speaking my own opinion and the opinion of the tidal fishermen) is, that while the September fishing exists north of the Boyne, and the fresh water nets on the Boyne, that there will never be a plentifulness of salmon on the Boyne. That is their opinion.

14535. What do you mean by interference by fishing north of the Boyne. Interference with what fishing?—The salmon fishing.

14536. By what means?—By nets. I must explain.

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MR. JOHN KERR—continued.

[NANAN.

Chairman—continued.

14587. Do you mean the Blackrock fishing?—Yes. I must explain to you that our district at one time was from Skerries to Donabate, and we were able to fish until the middle of August all that is on that line, and the coast fishermen had to stop as well as us, and the young fish got their protection, and after a little time the Boyne was actually alive with young salmon. Now there is not one of them to be seen.

14588. Now, you say that north of the Boyne the season is longer than your season?—Yes, sir, it was the ancient district of the Boyne at one time, but it was divided into three sections. It should not have been divided, and should now be made into one district as formerly.

14589. Is it not enough?—No.

14590. Is it the Blackrock nets that interfere, you think, with the salmon?—I should think so, sir.

14591. And it goes on a month after yours?—Yes. I am very near 50 years fishing for salmon, and I don't think it is right or just to allow salmon to be caught in September. That is my belief.

14592. You object to nothing in the fresh water, too?—My reason is, that there is no chance for the fish to escape.

14593. Do you say the netting on the fresh water goes on to September?—No, sir, it is the north shore fishing. I think the netting in the fresh water is the same time as we are on the tide, but there is no escape for the fish at all, because of these walls across the Boyne; there are men watching them. If it is only a trout half-a-pound weight they can see it, and they are sure to see salmon; the watchman then signals to the boat, which is always ready, and they make the haul and are sure to catch the fish.

14594. Is this fresh water netting you were speaking of?—Yes.

14595. And you think it should be done away with altogether?—It should be done away with, and the September fishing all over, and I am not only speaking my own opinion, but the opinion of all the tidal men.

Mr. Green.

14596. You would like to have no one fishing except yourself, isn't that it?—No, sir, but I would expect to have a uniform season, equalisation, at least in the ancient Boyne district.

Chairman.

14597. Were you fishing at the time that they had 160 nets down at the tidal waters?—I must have been because I am nearly 50 years fishing there.

14598. And you think it is not fairly used since then?—But that extra number of nets would not have any effect on the fishing, because there was only one net used at a time. They paid extra license, and

MR. MATTHEW MURPHY, examined.

Chairman.

14599. Where do you live?—Francis Street, Drogheda.

14600. Are you engaged in fishing, or interested in it?—Yes, sir.

14601. How?—Well, I am a fisherman.

14602. Are you a net fisherman?—Yes.

14603. Is it a fresh water net?—No, a tidal net.

14604. The same as the last witness?—Yes.

14605. Now, have you anything to add to what he has told us?—Well, now, I could not.

14606. Did you hear what he said?—I did, and the words he said are perfectly true according to my opinion. As long as this thing is in existence you will never have a supply of salmon.

14607. That is, as long as there is the extra month on the north of the Boyne?—Yes, and these fresh water nets. Before these nets got so numerous upon the inland portion the fishing was better, but the salmon is decreasing gradually ever since. I suppose it was about 1881 Mr. Petrie introduced a fishing crib fast on Mr. Osborne's water.

14608. You remember when there was this large number of nets on the estuary. We had evidence that

Chairman—continued.

they got extra hands, and it made no odds if there were a thousand nets, so long as there was only one net used at a time.

14609. You don't mean that there is only one net used at a time in the whole estuary?—In each station.

14610. Then, the quantity of fish taken would depend on the number of stations. How many stations are there altogether in the estuary?—I think there would be about six or seven between the mouth of the river and Drogheda. That would be an extension of three miles.

14611. And there would be so many nets allocated to each station?—Yes, unless some hands got in.

Mr. Green.

14612. How many stands?—About six or seven.

14613. Don't you know how many places there are in the tideway where men haul nets?—There are three below at the mouth of the river, but there are several between that and Drogheda.

Dr. Mahaffy.

14614. Do you fish north of the river or south, is your fishing on the north side or the south side?—In the river.

14615. In the actual river?—In the river.

14616. Not out in the sea?—No.

14617. And the fish you catch are coming in?—All coming in.

14618. How many would you catch in the season?—Well, it would be just all a bit of luck. Sometimes you catch a hundred, and sometimes you catch five, and that is just the way. They go together on each tide and draw lots, and then, according to the lot, you make your haul, and you might get no fish there, and another man might get fish, and he might be lucky every day for the season.

14619. What is the best time for that season, early or late?—Well, low water is generally about the best.

14620. Is it better in May or in March?—Fish are larger in February and March than in May.

Chairman.

14621.2. What is the size of the fish running at that time that you catch?—In February and March they average from 15 to 25 lbs., and in May from 10 to 15 lbs.

Dr. Mahaffy.

14622. Can you get them until May?—There are fish to be got from the first of the season, but they become more plentiful as the season advances. Now, I am only giving my opinion, that while the September fishing exists north of the Boyne, and the fresh water nets on the river, there will never be any fish in the Boyne.

Chairman—continued.

there were 160 nets at one time, in the year 1881?—Well, I was fishing then.

14624. Were there more stands fishing there then than there are now?—Witness.—Stands fishing?

14625. Well, stands?—Well, no, I don't think so.

14626. If there were 160 nets fishing on the estuary, would not that be calculated to thin the fish very much?—No, sir.

14627. You do not think they took an undue share of the fish coming into the river?—You see, the way we go is by numbers. You have to wait for your turn, that is, those men that draw lots have certain places, and there is only one net shot at one or the same time.

14628. If there are seven nets in one stand, would not the seven be shot one after another?—Witness.—But how long does it take to shoot?

14629. Well, how long?—Well, it might take about ten minutes.

14630. And there is only a particular time, you say, for shooting the nets?—There is only a particular time.

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MR. MATTHEW MURPHY—continued.

[NAVAL.

Chairman—continued.

14581. Supposing you had ten nets and that each of them took ten minutes, there would be an hour and forty minutes. I thought that from one particular station you were shooting all the time?—No, sir.

14582. Why?—I will tell you. You cannot shoot your net all the other man's net is beached.

14583. That takes ten minutes?—According to the tide. If you were shooting at some state of the tide, say a spring tide, it would not take more than five minutes, because the tide takes it away so quickly.

14584. Would the nets be hauled before the next man shoots?—Quite so.

14585. Suppose there were ten nets on that stand, does it not take a very considerable time to shoot and to haul those ten drift nets, and during the whole of that time you seldom get up?—I beg your pardon. You don't understand me rightly. When I shoot my net, my net is beached. It is in a half-circle, and if there come a hundred fish up I cannot get more than one made it.

14586. But I know there are three stations on the Boyne, and there are ten to fifteen nets on each station, and they, of course, are shooting all the time at the three stations, and I suggest to you that between the three stations with the nets that are beached and the nets that are shot, the fish have no great chance of passing?—You don't see my point.

Mr. Green.

14587. If there were five nets fishing at the station instead of ten, you would have double as many shots in the time?—In the time you would have double as many shots, but I say about the passing of the fish that the net is turned in a half-circle and then you could get no more fish and the fish have perfect room to pass.

14588. And during the time that your nets are that way in a circle the net down below in the other station is being shot?—That is all right enough.

Dr. Mahaffy.

14589. How long do you do this kind of thing?—We fish about four hours ebb and two hours flood, or two and a half hours or three hours in the flood, say about twelve hours out of the twenty-four we fish, because we have to contend with the rise and fall of the tide.

Mr. Green.

14590. Six out of the twelve?—It is about that.

Chairman.

14591. What sort of fishing had you this year?—Bad.

14592. How many men have you employed in your boat?—Well, three men I employ.

14593. Three and yourself?—Yes.

14594. That is four?—No, three altogether.

14595. Now, what would you call a fair season? I suppose you derive a great deal of time to that?—I have been at it since I was able to work at it.

14596. You devote a good deal of your time to it?—Oh, yes, I always do. I devote my whole time to it nearly.

14597. What do you get for the whole season?—I never keep a record of the number.

CAPTAIN C. F. WATKINS, recalled.

Chairman.

14613. You wish to say something; you ask a question about peal?—There is one thing I wish to say. There are a great many peal caught in the nets and a good many go to Oldbridge. We would get the peal if we hadn't got the nets. We would get a great many peal if we had not the fresh water nets, especially at Oldbridge.

Dr. Mahaffy.

14619. I know forty years ago it was not a peal river at all?—No, it has not been a peal river, but we would get a certain amount of peal any time.

Mr. Green.

14598. Did you ever know what you got in one shot?—I did.

14599. Did you ever get a hundred in one shot?—I did not.

14600. Did you get twenty?—Well, the most I ever got in my life was twenty-three.

Dr. Mahaffy.

14601. You could, of course, get a £100 worth in the season?—Well, not those years.

14602. About £80 worth?—I remember the time that I would get it, but not now.

Chairman.

14603. What time do the fish run, are they getting bigger?—Witness.—For the present season?

14604. I am talking of years past. Are they as large as they used to be?—Well, in the principal years gone by, in 1881 and 1892, there were great seasons.

Mr. Green.

14605. For young fish?—For young fish, and then in every hundred fish there would not be more than a pound and a half at two pounds variation in the whole lot—ten or twelve or fourteen pounds and would not exceed that.

14606. You take £100 worth in the season?—No, you would not. Some men might take £90 or £70 out of the whole lot, and other men might only take £50.

14607. But then you only pay £5 for a license?—And to get a net.

14608. But that you could get free?—There are cases in which fish buyers supply nets, but the cost must be repaid during the season. After you pay your expenses out of it you might be at a big loss.

14609. How much does your net cost at the present time?—It would cost up to £6, a good net.

14610. And the ropes?—And the ropes, and taking the men and paying the licence.

Chairman.

14611. Where do you sell your fish?—Well, they are all sent generally to Dublin or England. They are sent to different places, to Belfast.

Dr. Mahaffy.

14612. And there is no better fish in the Dublin market, as we know very well, than the Boyne fish?—I think not.

Chairman.

14613. Are you owners of your nets and boats?—Well, we are, usually.

14614. Some of you are not?—Some are not.

14615. But as a rule you are?—Yes.

Dr. Mahaffy.

14616. Is there a company for supplying boats and nets?—No, sir.

Mr. Green.

14617. Do fish merchants in some cases own the boats?—Yes.

Chairman.

We have received some very useful evidence here to-day dealing with the Boyne fishery, and I hope it will improve.

Mr. Green.

14620. At the ebb at Boremore do they get many peal?—I don't believe they do, but I think any peal above the tide-way are caught by nets at Oldbridge. Some years they have an enormous harvest.

Chairman.

14621. Isn't it rather unusual to have so many worms on a river?—My experience is not sufficient to tell you.

14622. At any rate you have three worms on the Boyne?—We have three on the Boyne anyway. It is three too many.

The Committee adjourned.

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Note by Mr. Thos. McDermott.

IRISH DRIFT NET FISHING.

FACTS AND FIGURES with regard to the enormous increase in Drift Net Fishing in the sea off the Districts of Ballyshannon, Letterkeney, Londonderry and Coleraine on the North West Coast of Ireland.

These four districts extend from Mullaghmore in the County of Sligo, to Rosbeg Head in Co. Antrim, about 100 miles, and include the mouths of the rivers Erne, Foyle and Bann.

Before 1870 there were no drift nets fished in the sea off these districts.

In the year 1870 in these four districts only 12 drift nets were fished, viz. — Ballyshannon, 1, and Letterkeney, 11, none were fished in Letterkeney until 1873, or in Coleraine until 1874. Most of these nets for many years were only 250 to 300 yards in length, these were provided by a few poor fishermen joining together and saving the money to buy a net and pay for a licence, and if one of them had a boat he would give it for the season's fishing, and be compensated for the use of his boat out of the catch. It did not require a great many salmon to be captured to pay these poor men for their nets, licences and work, and no one thought of interfering with them, the injury was so small. The total outlay in respect of each boat's fishing would be about:—

£	
3 for the net,	
3 for hire of boat,	
3 for licence	
24 for wages of 4 men at 15s a week for 8 weeks fishing.	

85s. Total for the season.—

5 salmon of average weight caught in drift nets are value for £1; therefore —

175 salmon would be captured by each boat;
12 boats fished in 1870 and captured say

2,100 salmon for the season which would rear the money necessary to pay the expenses and wages of 12 boats' crews £450.

From 1870 until 1911 this mode of fishing has been developing at a very great rate, many more nets are being used, they are about five times as long and better equipped in every way. During the past season (1911) the nets licensed in the districts mentioned above were—Ballyshannon, 15; Letterkeney, 275; Londonderry, 121; and Coleraine 11. Total, 506.

The increase has been as below —

1863—none	1880—91
1870—12	1890—143
1880—30	1911—506

Five of these nets are now under 1,000 yards in length, and many of them much longer, the length of the nets is just regulated by the carrying capacity of the boats, and very large boats are being provided by the Congested Districts Board and by English fishalmen, and by limited companies and other capitalists. An average length of 1,500 yards may be taken as a low approximation.

A net this length would cost about	£
Use of boat and crew, etc.	3
Licence	3
Wages of 4 men at 15s a week each for 8 weeks	24
Total	£30
Five salmon are value for £1	5

Number of salmon for each boat

Number of salmon for 506 boats

Salmon value for £19,400 must be captured by these 506 boats before there is a penny of profit.

If the river fishings had been developed in the same extraordinary way as to increased number and length of nets, there would be very few fish left to ascend our rivers for anglers, or for breeding purposes. I have not taken into consideration the drift nets used which have not been licensed, and in this class of fishing is carried on along the sea coast and in isolated and unprotected places, there can be little or no supervision by the Conservators of each district, and consequently not only are many unlicensed drift nets used, but also the licensed drift nets are fished during the weekly close time.

The protection of the salmon in effect during both the annual and weekly close times falls principally on the commercial fisheries, and as these fisheries are being greatly crippled by the drift net fishing, the result must be that all protection by such fisheries must cease, and this can only result in the total destruction of the salmon. The funds of the Conservators being entirely inadequate to carry out such protection.

APPENDIX B.

Memorandum handed in by Mr. E. H. Todd, LL.D., Solicitor, Londonderry, at the request and on behalf of the Lough Fishermen of Lough Swilly.

Up to about fifty years ago trawling was prohibited in Lough Swilly inside an imaginary line drawn from Knockalla Head to Dunree. About that date an Order was made permitting trawling as far up the Lough as an imaginary line drawn between Murrumbah and Neill's Point. Subsequently a further Order was made permitting trawling as far up the Lough as the line between Blackrock at Keshigo Bay and Carrigulla Rock, and about thirty years ago practically the whole Lough was thrown open, trawling being permitted as far up as the Hook's Nest on Inch Island.

The net used for trawling up to about fifteen years ago was the beam trawl. The opinion of the fishermen is that it was a mistake error to permit trawling to be carried on inside the Lough, and that even beam trawling injuriously affected Lough Swilly as a breeding and fishing ground, and gradually reduced the quantity of mature and marketable fish in the Lough.

But beam trawling was by no means so injurious to the fishing as the method now in operation, that is, trawling with the otter net. Some fifteen years ago

a man named Isaac Stoen commenced trawling with the otter net in Lough Swilly. It was found that the otter net got by this method of trawling were very much greater than those got by the beam trawling, and one after another of the beam trawlers adopted the otter net system of trawling. For some years past nine trawlers with otter nets have been operating in the Lough. Last year one of the boats went ashore in a storm and was broken up, but there are still eight trawlers fishing with otter nets in the Lough.

It seems that the otter nets sweep up everything from the bottom of the Lough as far as it is sandy or gravelly. In other words, they sweep up the whole of the fat fish of all sizes. The mesh of the nets is, I believe, 1½ inches, and captures everything of a greater length or breadth than a five shilling piece. If the catch is good the greater part of it would probably be marketable fish, but if the catch is bad nearly the whole of it is immature fish. Taking the average there will not be more than ten stones of marketable fish to every forty stones captured. The

catch is, of course, emptied into the boat, then the marketable fish are selected from the bulk, then the headless of each boat sold about four stones weekly of the larger of the immature fish and carry them home for their own consumption. Each four stones of these immature fish if allowed to remain in the Lough for a year and mature, would, when caught, probably fill twenty boxes, weighing some 200 stones of fish. The remainder of the immature fish, all of which are very small, are afterwards thrown back into the Lough, but many of them are dead before being thrown into the Lough, and if, as often happens, they are not thrown out of the boat until after the boat takes up a new position and the net is re-cast, the greater part of these fish are dead before they are returned to the sea.

It is difficult to estimate the quantity of fish destroyed by this method of fishing, but it is estimated that three or four times as many immature fish are destroyed as marketable fish are captured and sold. The result of this trawling within the Lough has been that flat fishing, which was formerly highly remunerative, has ceased to be of any value, and the Lough has been ruined as a breeding ground, at any rate for flat fish. So serious has this become that even the

trawlers have been considering the propriety of discontinuing operations for some years till the Lough becomes re-stocked with the natural increase of the fish.

Two remedies are proposed—

1. The prohibition of trawling inside the line from Ned's Point to Macanish. It would be better if all trawling inside the line from Knockalla to Duncree were prohibited, but there is no desire to deprive the existing trawlers who have invested money in providing boats and nets, of their livelihood. There is, however, ample and good trawling ground for them between the line drawn between Macanish and Ned's Point and the mouth of the Lough, and it is believed that if the Lough inside the line from Macanish to Ned's Point were undisturbed by the trawlers, it would, for the present, furnish a sufficient breeding ground.

2. The second method proposed is that the capture and sale of flat fish under a certain weight and measurement, should be prohibited, presumably the weight or measurement to be fixed should be settled by the Fishery Commissioners. Whether this prohibition should be extended to fish other than flat fish I do not presume to say.

APPENDIX C.

Memorandum by Mr. George Hewson, J.P., Dromahair, Co. Leitrim, supplementary to evidence given at Inquiry in Dublin on 1st April, 1911.

Most of the evidence given by me related to Salmon fishing, and I should like to summarise my suggestions—

1. That all net fishing should be disallowed in fresh water fisheries which have not been regularly fished in this way for the last 20 years. Compensation to be given where such rights were exercised or licences taken out, in such manner as the Board of Agriculture may decide.

2. In estuaries less than 300 yards in width, only one net to be allowed in the water at the same time. The length of net to be limited in such manner as the Fishery Commissioners shall decide.

3. That it shall be part of the regular duties of the police to prevent illegal fishing in fresh water, to patrol spawning beds during spawning time, and to see that all fishermen are duly licensed. I am aware that this forms part of the duty of the Constabulary, but as a rule they do not trouble about it.

4. That it be part of the regular duties of the Coastguard Service to patrol the coast where salmon fishing is carried on, and that the weekly close season

as observed, and all nets on board, and that proper engines are used for the taking of fish.

5. That the length of drift nets be limited to 500 yards. No two nets to be fastened together.

6. That more attention be paid by the Boards of Conservators under the Board of Agriculture, to the destruction of poke, eels, gulls, otters, etc., and that a special fund be devoted to this purpose.

7. That in small districts the funds at the disposal of the Conservators be supplemented by a grant to enable them to employ a proper staff of water bailiffs at reasonable salaries.

8. That small streams in districts where there are no water bailiffs be looked after by the Constabulary, especially in the close time when trout are destroyed wholesale by dynamite, tearing and burning. A small licence day of say £2. 6d. yearly should be charged to all persons fishing for trout or coarse fish.

9. It might be advisable to buy up all rights from riparian owners who have not exercised fishing rights, and vest these rights in the Boards of Conservators. A commission to decide the amounts to be paid in each case.

APPENDIX D.

Letter from Mr. John E. Godfrey, J.P., Lismore.

Blackwater Fishery,
Lismore,
June, 1912.

To the Secretary,

Irish Inland Fisheries Committee,
Upper Morrison Street, Dublin.

DEAR SIR,

At the time your Committee visited Lismore last September I was ill, and could not attend to give evidence. However, I have now written up the following notes from my proposed evidence, and should be glad if you would bring it before the members of the Committee at their next meeting, if you think it would be of any assistance to them.

During the last 23 years I have resided and fished at Lismore, and for the last seven years have been Manager of the Duke of Devonshire's Upper Blackwater Fishery; I have also been honorary manager of the Lismore Salmon Hatchery since 1904.

It will be most important to the salmon fisheries on the River Blackwater if the purchasers of the fishing rights under the Land Purchase Act of 1903 are

allowed to use nets for the taking of salmon in upper reaches of the river. After ten years of careful preservation of spawning fish, and distribution of fry from a hatchery, the river is, at last, beginning to improve.

One of the chief reasons why nets should not be allowed is, that where a small owner has a right to use a net, it is very difficult to prevent him using it in the weekly close time. The most difficult poaching to prevent, at present, is the Saturday and Sunday night's netting by men who rent nets from owners of several fisheries. When the weekly close time is not observed, it means a heavy loss to red fishings up the river. I have continually found that, when we are able to employ sufficient bailiffs in the tideway between Cappoquin and Youghal, during the weekly close time, the red fishings for miles up the river are stocked with fish. The Boards of Conservators should have the power to refuse to issue any new net licences until the passing of the Land Act of 1903.

On the River Blackwater there is no difficulty in obtaining high rents for red fishings, especially during the Spring months. I enclose a return of tenant

possessors who have secured the fishing rights, with their holdings. All these farmers are able to let their holdings at substantial rents. Something must be done to increase the income of the Boards of Conservators. Wages have increased of late years, and the amount reserved for fines for contraventions for poaching has decreased considerably owing to the practice of magistrates recommending reductions of penalties. Voluntary contributions and the employment of private bailiffs will, to a great extent, cease, as there were one large fishery owner formerly, there will be now two or three small owners (under Act of 1904) who will probably refuse to subscribe, or protect their small extents of water. To show the necessity for the collection of more money for protection, I may point out that besides his ten per cent. levy, the Duke of Devonshire pays £100 per annum to the Board of Conservators, and spends another £200 per annum on special bailiffs to try and enforce the weekly close time. The above expenditure of £300 per annum does not include the upkeep of the Lismore Salmon Hatchery and distribution of fry thereto, towards which no other riparian owner contributes.

To provide sufficient funds for the protection of fisheries, I think the valuations of rod holdings, in which the ten per cent. tax is already paid to the Conservators, might be increased, and the licence of all rods and weirs should be increased by at least 25 per cent. Further the £1 licence on rods should not entitle the owner to fish in all parts of Ireland. An extra sum of 1s. should be charged for each new district in which the licence is used. The net licences (which were fixed when the price of salmon was not half what it is at present) are absurdly low. Drift nets and drift nets at £3, and snap nets, or set nets, at £1 10s., do not represent the licence duties which should be paid for the amount which the majority of net men would be willing to pay. I look on the snap net licence of £1 10s. as too low in comparison to a rod licence at £1. And in this connection I may point out that the snap nets, or set nets, are rapidly approaching the proportions of drift nets, and as there is no definition of the length of a snap net in any Act, or under any by-law, no control can be exercised. I heard the late Sir Thomas Buxton state that a snap net should be six yards long. The present nets used are from 12 to 40 yards long, and of a mesh sufficiently large to mesh fish—in fact they are drift nets worked between rocks.

Another source of increase of income to the Fishery Boards would result if the County Councils were not allowed to levy rates on the water in rivers. This would enable the Conservators' 10 per cent. tax to be increased by a further 17½ per cent. (£s. 6d. in the £) making the contribution by fishery owners 27½ per cent., which would be less than what they paid formerly, as the average County Council value throughout Ireland is over £s. 6d. in the £. There also might be some chance of collecting a larger rate from small rivers. It has not yet been suggested that the Poor Rate and County Cess (are combined as district Poor

Rate) should be levied on the water in a river, as the rivers derive very little benefit from these rates.

To show that the net fishing in the Duke of Devonshire's Upper Blackwater Fishery is carried on in a moderate manner, and not in a way likely to rob the river of a supply of spawning fish, I should like to explain the method of fishing here. Only one net and one gang are employed at a time, and it takes half-an-hour from the beginning of one haul till the net is ready for the next. Only two hauls can be made in an hour. During each of these hauls the position of the river netting is closed for only three minutes. No attempt is ever made to fish one net behind another, as is done in most fisheries. In fact, if fish are running they have 54 minutes in each hour in which to pass on nets. Since the year 1900, when the upper river proprietors complained of a scarcity of spring fish, the Duke has opened the Lismore Weir for the first three months of the fishing season, at a considerable loss to himself, and at such an injury to his rod fishing at Lismore that he has had to vent the Kilnenny rod fishing for the first four months of the season to obtain rod fishing. The Lismore Weir is continuously retained to act as an obstruction to fish passing up the river. This is not so, as, except in very high water, the fish pass up the King's Gap easily, and in the very lowest water pass over the fall without even breaking the surface of the water. Any morning, soon after sunrise, when the water is clear enough, the fish can be seen passing two or three at a time, and sometimes in large shoals. Of the many fish passes in Ireland which I have seen, the King's Gap in this Weir is the closest to second.

The Blackwater appears to be the only salmon river in Ireland which is not debauching. In fact it has improved during the past 7 years. This looks as if the Lismore Salmon Hatchery (with the largest output of any European hatchery) has had some effect upon the supply of salmon in the river. A further great advantage which this river has over most other Irish rivers is that, the fishery being practically owned by the Duke of Devonshire, the number of nets can be limited. Also, when money beyond the funds of the Board of Conservators is required, the Duke is always ready to assist.

The proprietors of Inland Fisheries in the South and West of Ireland are of opinion that its drift net fishing off the north-west coast has been the cause of the shortage of grise in our rivers. The best good run of grise being in 1903.

Should the drift nets on the north-west coast take to stepping the run of Spring fish in the same way as they stop the grise, the inland fisheries, which of late years have been depending on the Spring run, will be in a really bad way. If some means could be devised by the Fisheries Board to mark grise during May and June on the north-west coast it would soon be discovered how far the grise travel. The marking of Spring salmon would be too large an undertaking, but when the course of the grise is ascertained, it might be taken that salmon follow the same course.

(Signed), JOHN E. CONNOR

APPENDIX E

DESTRUCTION OF PIKE IN LOUGH BEE.

Report from Mr. Andrew Kinn, Inspector to the Coleman District Board of Conservators of Fisheries

The Foyle and Bann Fishery Company gives permission to the small farmers and others, residing on the shores of Lough Beg, to fish for pike with set nets in the bays and creeks of the Lough from the 1st March to the 12th May in each year, and in these nets an average of 3,000 pike are caught during these ten weeks. The pike caught in these nets average about 4 lbs. each. They also employ men to fish the several creeks on the lower Bann with a drift net during the month of March or April each year, and in this net an average of 300 pike are taken. Some very large pike are caught in the creeks, but the average weight would be about 5 lbs.

From 1900 up to 1903 the Company also gave permission to some Lough Neagh fishermen to use long lines for the capture of pike in Lough Beg, and seven boats were used, two men in each boat using a line with six or seven hooks. The hooks were No. 11, baited with small perch 3 ins. long. These lines were used at intervals between 12th June and

10th November. The average catch each season was about eight tons, 2,500 pike per ton, or a total of 20,480. Several times during these years when these Lough Neagh fishermen were fishing for pike in Lough Beg, I had to withdraw their permits, or prevent them, for taking cod. This was done by using small hooks and small bait which they were not permitted to use, and in 1903 I had reluctantly to advise the Foyle and Bann Fishery Company to withdraw their permission altogether, so that were October, 1903, there has been no line fishing for pike in Lough Beg. The pike caught by lines were all sold to Mr. Cox, a local fish dealer, at 2s. 6d. per stone, and were sent by him to English markets, and by using the fish weighed and examining returns, I got a fairly true account of the number of pike killed. I understand that the Foyle and Bann Fishery Company intend to employ men to line fish in Lough Beg for pike during the end of the summer and autumn.

Return of Licences issued in the various Fishery Districts in Ireland during each of the Years 1891-1911.

DISTRICT AND REQUESTS	NUMBER OF LICENCES ISSUED																				
	1891	1892	1893	1894	1895	1896	1897	1898	1899	1900	1901	1902	1903	1904	1905	1906	1907	1908	1909	1910	1911
Co. Wick.																					
Angling	85	107	113	147	198	69	88	125	181	124	127	116	157	164	151	162	165	180	187	189	197
Drift Nets	—	1	—	2	2	3	2	7	—	—	—	—	—	—	—	1	—	1	—	1	—
Drift Nets	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Coastal	—	—	—	—	—	4	7	5	5	—	—	—	—	—	—	—	—	—	—	—	—
Coastal, Etc., etc.	—	—	—	—	—	—	—	—	—	—	—	5	4	4	4	4	5	4	5	4	4
Coastal, Etc., etc.	—	—	—	—	—	—	—	1	1	1	—	—	—	—	—	—	—	—	—	—	—
Co. Wick.																					
Angling	66	68	45	54	72	77	67	56	47	49	68	65	62	50	70	106	95	118	111	85	116
Drift Nets	36	37	57	54	25	34	33	17	17	19	12	13	18	29	70	14	18	12	12	12	17
Drift Nets	1	1	—	—	—	—	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Drift Nets	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Co. Wick.																					
Angling	42	33	29	40	36	75	50	44	70	50	56	60	50	64	10	30	55	80	67	90	60
Drift Nets	32	70	20	39	35	31	30	30	39	29	34	36	22	22	12	14	21	15	16	15	16
Drift Nets	17	14	11	14	14	14	14	14	12	12	14	13	12	12	12	14	14	12	8	8	8
Co. Wick.																					
Angling	126	126	14	184	87	94	116	113	74	82	63	82	85	84	90	90	87	67	64	182	68
Drift Nets	39	32	30	49	44	35	41	36	48	15	33	35	25	23	21	26	24	22	49	10	16
Drift Nets	47	54	38	58	37	25	30	15	19	5	9	7	2	3	3	32	45	47	43	49	50
Coastal	4	5	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4
Coastal, Etc., etc.	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5
Coastal, Etc., etc.	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7
Coastal, Etc., etc.	25	25	25	25	25	25	25	25	25	25	25	25	25	25	25	25	25	25	25	25	25
Co. Wick.																					
Angling	26	33	24	38	38	37	27	35	35	21	18	35	32	39	38	40	31	52	52	54	27
Drift Nets	38	31	29	29	30	32	35	35	35	30	17	5	13	4	14	38	34	18	12	10	1
Drift Nets	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Coastal, Etc., etc.	5	9	8	8	6	9	10	9	7	7	5	2	4	4	4	4	4	4	4	4	4
Co. Wick.																					
Angling	107	123	108	185	111	142	148	228	155	126	185	125	155	106	121	122	105	150	144	184	109
Drift Nets	32	58	43	45	48	50	46	43	43	59	42	4	7	8	7	8	7	7	7	7	7
Drift Nets	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4
Coastal	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3
Coastal, Etc., etc.	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3
Coastal, Etc., etc.	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6
Coastal, Etc., etc.	22	20	21	25	32	36	24	28	33	30	30	21	21	26	24	25	25	17	21	18	22
Co. Wick.																					
Angling	154	135	195	157	167	169	189	222	204	269	186	200	224	222	270	224	259	251	225	250	210
Drift Nets	10	30	21	20	37	38	38	38	34	39	19	38	33	48	60	10	12	18	32	18	10
Drift Nets	80	108	27	21	24	22	25	25	21	26	35	37	48	102	169	177	187	178	162	142	145
Coastal	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3
Coastal, Etc., etc.	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3
Coastal, Etc., etc.	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6
Coastal, Etc., etc.	22	20	21	25	32	36	24	28	33	30	30	21	21	26	24	25	25	17	21	18	22
Co. Wick.																					
Angling	154	135	195	157	167	169	189	222	204	269	186	200	224	222	270	224	259	251	225	250	210
Drift Nets	10	30	21	20	37	38	38	38	34	39	19	38	33	48	60	10	12	18	32	18	10
Drift Nets	80	108	27	21	24	22	25	25	21	26	35	37	48	102	169	177	187	178	162	142	145
Coastal	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3
Coastal, Etc., etc.	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3
Coastal, Etc., etc.	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6
Coastal, Etc., etc.	22	20	21	25	32	36	24	28	33	30	30	21	21	26	24	25	25	17	21	18	22
Co. Wick.																					
Angling	154	135	195	157	167	169	189	222	204	269	186	200	224	222	270	224	259	251	225	250	210
Drift Nets	10	30	21	20	37	38	38	38	34	39	19	38	33	48	60	10	12	18	32	18	10
Drift Nets	80	108	27	21	24	22	25	25	21	26	35	37	48	102	169	177	187	178	162	142	145
Coastal	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3
Coastal, Etc., etc.	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3
Coastal, Etc., etc.	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6
Coastal, Etc., etc.	22	20	21	25	32	36	24	28	33	30	30	21	21	26	24	25	25	17	21	18	22
Co. Wick.																					
Angling	154	135	195	157	167	169	189	222	204	269	186	200	224	222	270	224	259	251	225	250	210
Drift Nets	10	30	21	20	37	38	38	38	34	39	19	38	33	48	60	10	12	18	32	18	10
Drift Nets	80	108	27	21	24	22	25	25	21	26	35	37	48	102	169	177	187	178	162	142	145
Coastal	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3
Coastal, Etc., etc.	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3
Coastal, Etc., etc.	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6
Coastal, Etc., etc.	22	20	21	25	32	36	24	28	33	30	30	21	21	26	24	25	25	17	21	18	22
Co. Wick.																					
Angling	154	135	195	157	167	169	189	222	204	269	186	200	224	222	270	224	259	251	225	250	210
Drift Nets	10	30	21	20	37	38	38	38	34	39	19	38	33	48	60	10	12	18	32	18	10
Drift Nets	80	108	27	21	24	22	25	25	21	26	35	37	48	102	169	177	187	178	162	142	145
Coastal	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3
Coastal																					

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- 7 and 8 Vic., cap. 104, secs. 1 and 2, police powers under, referred to, H. D. Connor, 579; J. G. Skipton, 11122
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Portsmouth estate	-	-	-	-	-	
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Isch River.

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J. Granger, 1803-3; J. Irwin, 1822-3.
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J. Granger, 1845-6.
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Rearranging owners, no combination of, R. C.
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Spawning, G. Faller - - - - - 1463
Teaming with salmon, R. C. Williams - - 1805
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Industries, control of watercourses by Central body
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Donon - - - - - 518-9

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permitted by improvement without capture
if kept down - - - - - 12440-21
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bound to prove legal catch - - - 12440

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Illegal engines should be liable to seizure when found	-	-	-	12416
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at Night should be prohibited anywhere save at sea	-	-	-	12416-9
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Nets should be raised above water an hour before sunrise till an hour after sunset	-	-	-	12426
Weirs, destruction of salmon fry	-	-	-	12428
Netting, no license or authority should be given to nets not working in 1862 or not less than thirty years ago	-	-	-	12411-2
Protection, police assistance advocated	-	-	-	12429-30
Rate, credit should not be given for licenses	-	-	-	12432
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Season, and catch, M. Fitzgerald	-	-	-	5407-13

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Greater number needed, P. Carey, 9375; W. F. Sheel, 8767-8	-	-	-	
Increased vigilance of, R. O. Shaw	-	-	-	8451-2
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TRAMMEL PURCHASERS:

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Fishing rights, no use made of, on refusal of net licenses, P. Connell, 8925-49; P. Carey, 8974; P. Halliday, 8905-23; J. Shaw, 9081-3, 9090-6114	-	-	-	
Frontage owned by, P. Connell, 8928-1; P. Halliday, 8998-9001; M. Rafferty, 9012-8; J. Shaw, 9047-52	-	-	-	
Relation between preservation and letting value of fishing not understood, and suppression of poaching not held worth the risk, J. Shaw	-	-	-	9064, 9073-85, 9090-9214
Sporting rights bought by, and Acts under which purchase made, M. Fitzgerald, 8424-8; J. Shaw, 9045-79	-	-	-	
Victors turned away by, P. Connell, 8928-40; J. Shaw, 9082; Capt. Crane, 9473	-	-	-	

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Abolition would not benefit fishing while poaching still prevails, M. Fitzgerald	-	-	-	8335-41
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Illegal:

Bag nets at river mouth, number, increase, and difficulty of suppressing, M. Fitzgerald	-	-	-	8523, 8409-19
Fixed nets seized by Conservators, M. Fitzgerald, 8433; R. O. Shaw, 8623-7	-	-	-	
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Fishermen not represented on Board of Conservators, <i>M. Fitzgerald</i> -	8315, 8385-6
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Pool more common than spring fish, difficulty of getting up except in flood, <i>M. Fitzgerald</i> -	8414-5

POACHING :

Carried on by night, men masked and armed, <i>P. Carey</i> , 8953-80, 8960; <i>P. Hallissy</i> , 9011-23; <i>M. Cahilly</i> , 9034-40	
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Laying of line on residents would induce cessation of commerce with non-resident poachers, <i>M. Fitzgerald</i> -	8405-8
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Catch - - - -	3251
Fishing, improvement - - - -	3245
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Destruction of trout by - - - -	3239
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Licenses:

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Central authority for issue of, advocated, <i>G. Hewson</i>	- 464-6
Limitation suggested, <i>G. Hewson</i>	- 468
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Duties:

Extra funds derivable from proposed increase of maximum should pass to central department instead of local boards, <i>E. Power</i>	- 9477-81
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Increase:

Additional rate necessary even with, <i>Admiral E. F. Jeffreys</i>	- 9302-4
Advocated, <i>Maj. Brown Clapton</i> , 5197;	
<i>C. L. B. Lewis</i> , 5239; <i>Maj. S. C. Marshall</i> , 5684-7; <i>W. Backford</i> , 7385-8;	
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not advocated, <i>R. Power</i> 9424, <i>Capt. L. Marshall</i> 5028-31	

Increased rating of proprietors advocated as well, *J. J. O'Shea* - 5457-55, 5465

Objected to, *M. Fitzgerald*, 5332-5; *Capt. L. Marshall*, 5028-31; *R. Power*, 9424; *T. Cooney*, 5546-8; *P. P. McCarthy*, 5708; *T. Cooney*, 5674-7.

not Objected to *B. Conservation* guaranteed, *W. Backford*, 7390-5; *C. O'Brien*, 8612-4; *Dr. J. O'Halloran*, 10233-5

and Proportional higher payment in several instances suggested, *Admiral E. F. Jeffreys*, 9280, 9301, 9312

Proposed increase of maximum, extra funds should pass to central department and not to Conservation, *E. Power* - 9457-9481

Suggested, and division into classes of varying rates, *Admiral E. F. Jeffreys* - 9286, 9301

on Nets:

Higher rate than angling proper as catch greater, *R. O. Sloman* - 4639-3

too low, *Col. M. de Montausseaux* - 5364

State supervision advocated, *A. T. Owan* - 11520

see also under Rod below

Effect of land purchase on, slight, *E. W. L. Holt* 20

Endorsement and cancelling of, for poaching advocated, *Col. B. G. Lewis*, 5238; *G. B. Newport*, 5422-3; *E. McCowan*, 5287-90, 1463; *J. J. O'Shea*, 6459-63; *R. W. Hall* 14186-90

FRESHWATER NETTING:

Conservators should have extension of power to refuse, withdraw, or abolish, *J. Scully* 9603-3

should be less than that for tidal netting, *T. Hannon* - 10231-17, 10223-3

HOLDERS:

Election of owners-stores by owners of fisheries instead of by, advocated, *P. W. Asher* - 1761, 1868

should be prohibited from using a barbed net, *Col. B. G. Lewis* - 5244-5

Increased assessment would produce more income than re-arrangement of, *H. Dale* - 834-7

Increase of voting influence advisable, *T. Mangin* 9174

Issue by central authority and distribution of money to, advocated, *G. Hewson*, 484-5; *H. Ashton*, 578-80

LOCALIZATION:

Approved and advocated, *H. Ashton*, 576-9; *E. O. Sloman*, 4643-5

Question of, *H. Dale* - 825-32

Obtaining purchasers to see first, not much use, *W. H. Goss* - 5337

no Power of withholding, *E. W. L. Holt* - 143-4

Refusal of, to systematic poachers, proposal approved, *W. Backford* - 6121-5

Rod:

Central authority for issue of, advocated, *G. Hewson*, 464-5; *H. Ashton*, 578-80

Discontinuance of voting influence advocated, *T. Mangin* - 9174

Duties: - 9174

Licenses—continued.

Rod—continued.

Increase:

Advocated, *Maj. Brown Clapton*, 5197; *Col. B. G. Lewis*, 5239; *Capt. L. Marshall*, 5252

not advocated, *T. Cooney* - 5584-3

One girdle sufficient, but men should be allowed to keep fish, *R. Sayer* - 12758-4

Reduction:

Advocated as enabling tenant purchasers to fish own heritage and make interest in preservation, *M. O'Shaughnessy* 10671-92

not advocated, *T. Cooney* - 56103

Irrevocable, increase of local anglers would increase stroke-baiting, *W. M. McElligott* - 56137-9

Fluctuations in number, *E. W. L. Holt* - 47

should be issued locally and apply to particular district, *G. Hewson*, 467-4; *Col. T. F. Sweeney*, 6975-7; *E. E. Longfield*, 7382

As for particular district and *G. B. Lewis* for general licence suggested, *G. Hewson* - 469-72

Special rate for visitors staying short period recommended, *W. M. McElligott* - 5743-7

Short licence period for 3s a week suggested, *Col. B. G. Lewis* - 5239

TIDAL NETS, INCREASE:

would not be graded if protection guaranteed, *C. O'Shea*, 8612-4; *Dr. J. O'Halloran*, 10236-6

Recommended by, *J. Kene* - 56163-6

TIDAL NETTING:

Advocated, *Lord Rathdown*, 4935-8; *D. H. Dugas*, 5033; *Maj. Brown Clapton*, 5197;

Gen. Sir H. McCalmont, 5375; *Col. M. de Montausseaux*, 5541-4; *J. F. Williamson*, 7382-5; *The MacGillivray*, 5454-6; *T. Cooney*, 5577; *W. S. Goss*, 5781; *Dr. De Courcy Fotherby*, 10498; *J. W. Fleming*, 10521; *N. W. Mayne*, 10554; *R. Deane*, 10731-5; *Capt. Munro*, 10739; *Maj. J. F. Murphy*, 10885-7; *J. G. Simpson*, 11120;

J. Gilmore, 11981-26; *R. S. Ballinagel*, 12251; *A. Hood Smyth*, 12303-6; *R. Lefroy*, 12403-5; *E. J. Ingles*, 12413;

H. P. MacNamara, 124671-3; *The Knight of Glen*, 12514-5; *Col. A. Parkin*, 12533-4; *A. Parker*, 12597; *E. W. Hall* 14193

with Age limit, approved - 6541-3

possible disadvantage, *W. Backford* - 6225-6

if imposed with discrimination would be approved, *Lord Deansburgh* - 6083-6

Imposition on small boys would manufacture anglers, *W. H. Goss* - 5325

would not pay for collection, *W. H. Goss* 5325-6

Preservation through local appreciation of value of fishing preferable to imposition of, *H. H. Moore* - 10743-8

Question of power men, *W. Backford* - 6185-94

not recommended and not considered advisable, *E. W. L. Holt*, 81; *Capt. Cooney*, 5579-1; 5497-9, 5582; *T. Cooney*, 5577;

T. Cooney, 5584; *W. S. Goss*, 5781; *R. H. Moore*, 10742-6

Reduced rate for boys advocated, *Col. A. Parkin* - 12333-4

White Trout -

Reduction to 10s. advocated, *The MacGillivray* - 5454, 5453

Should be same as salmon licence, *Capt. Cooney* - 5470, 5501

Used in districts where not issued, visitors taking on strength of, should pay small additional local tax - 9393-8

Licensed Engines:

Particulars re use of, *E. W. L. Holt* - 39-47

Refuse, *E. W. L. Holt* - 141-4

Liffey River, limitation of length of drift nets, *Mr. Dwyer* - page 415

Lifford:

Nothing on River Foyle, limitation of *T. McDermott* - 4146

Pike found about, *T. McDermott* - 4133

Lime Poisoning:

less common than dynamising as entailing more labour, *Mr. Hewson* - 10029

Lime Fencing—continued.

- Fish destroyed by, not measurable, *H. Dale*, 1742-3; *See G. Colquhoun*, 1184.
Signs shown by fish, *See G. Colquhoun*, 1183-4
see also Barrow River, Brown Black River, Coleraine district, Feale River, Inny River, Maine River, Lee River, Lissanore River, Ness River, Roughy River, Sheen River and Sur River.
see also Fencing and Poisoning.

Limerick:

- Hatchery, Bists should provide, *A. Mackay* - 12363
Lack weir, see under Shannon River.
Mayor, should be member of Board of Commissioners, *A. Mackay* - - - - 12351

Limerick Co.:

- Coasting clubs, *R. M. D. Seaford* - - - 975
Part of, in Waterford District, *J. H. Jones* - 4740

Limerick District:

- Barbiff, see under Shannon River.
Board of Commissioners:
no attention paid to people from upper reaches or to trout fishing, *Capt. C. Clark*, 11941; *A. Parker*, 12546-7
Attention of fishing rights to, by tenant purchasers suggested, *Mag. J. F. Murphy*, 10425-33

- Barbiff:
License of salary, and inadvisability of employing local men, *L. Borden* - 10609-43
Number, *J. G. Skipton* - - - - 11941
Balance, *E. H. Poe Hasford* - - - 12002-4
Composition, objections to, and suggestions, *M. Gleason*, 12463, 12454; *M. Joyce*, 12473-6; *A. Mackay*, 12548-9.
on Control by, north of Killybeg, *A. Mackay* 12545-7

Election:

- Method, considered satisfactory, *A. Wood Smyth* - - - - 12347-71
all Owners rated should have vote, *M. Gleason* - - - - 12432-4
by Proxies, *A. Mackay* - - - 12548-9
Electoral divisions, *E. H. Poe Hasford*, 11964, 11970-1

- Formation of Committee of tenant purchasers and members of, for purpose of letting small fishings in combination suggested, *W. M. McElroy* - - - - 9463-6

Funds:

- Dependent on Revenue, *Col. H. Charlton* - 11770
District Councils asked to put on a rate to augment, but no result, *E. H. Poe Hasford*, 12619-24
Government assistance advocated and suggestions re, *L. Borden*, 10647; *E. H. Poe Hasford*, 12002-4; *P. McInerney*, 12338-41
A. Mackay, 12503

- Inadequacy of, *Col. H. Charlton*, 11770, 11780; *S. C. P. Foxworth*, 12257; *A. Wood Smyth*, 12317, 12371-3; *H. Lefroy*, 12394; *E. T. Inglish*, 12412; *H. V. MacNamara*, 12460; *M. Joyce*, 12475; *A. Mackay*, 12503; *T. Mulganey*, 12612

Subscriptions:

- from Anglers and question of increasing, *E. H. Poe Hasford* - - - 12079-82
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Total and details, *E. H. Poe Hasford*, 11939-44, 12046-10

- Inspectors, see *Gilmore, James*, 11416-11713, and *Hall, Capt. Frederick*, 12157-12184.

- Licence duty from previous year must be handed over to new Board, *E. H. Poe Hasford* - - - - 12004-6

- Local gentry should assist in preservation, *W. T. Fells* - - - - 11800-3

- Loan to, by permission of Area, *H. Lefroy*, 12403-5; *E. T. Inglish*, 12412-4.

- Mungah River, proceedings re, *R. M. D. Seaford*, - - - - 903-3, 979-83

- Measures for preservation of trout in the Garra supported as far as possible by, *J. M. Wilson* - - - - 10448, 10454-6

Meetings:

- Attendance, *J. G. Skipton*, 11097-160; *E. H. Poe Hasford*, 11972-3, 12023.
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Board of Commissioners—continued.

Members:

- District Councils not represented as no rate levied, *A. Wood Smyth* - - - 12513
Elected, no change suggested, *E. H. Poe Hasford* - - - 12012-3, 12025-4
Maximum, *E. W. L. Hall* - - - 81
Number, *E. H. Poe Hasford* - - - 11960-70
see Upper Shannon, number, *J. G. Skipton* 11608-9
see also Ballinap, Mr. Robert, J. F., 12185-12214; *Wood Smyth*, Arthur, 12280-12382; *Chelton*, Col. Henry, 11756-11785; *Inglish*, Edward Theodore, 12405-12420; *Lefroy*, Harry, J. F., 12383-12401; *McInerney*, Patrick, 12338-12441; *Mackay*, Anthony, 12542-12543; *MacNamara*, Henry V., 12458-12475; *Parker*, Ashbury, 12546-9; *Pyper*, Thomas Edward, 12434-12443; and *Skipton*, J. Gervais, 11987-11123, 11948-62.

- Membership, Chairman of District Councils and County Councils in area, and of Mayor of Limerick advocated, *A. Mackay* - 12361-7

- Netting, proceedings re, *J. Dumas*, 10151-4; *J. McInerney*, 12647-45

- No. 8 District, Clerk, see *Hasford*, E. H. Poe. People as upper reaches supported as far as possible but funds limited, *Col. H. Charlton* - 11780

- Reform of local administration and increase of executive control advocated - - 12348-51

- Relation of Feale and Gashen Fisheries Committee to, *W. M. McElroy* - 9030-3, 9043

- Representation of tenant purchasers, question of, *E. H. Poe Hasford*, 12514-9; *A. Wood Smyth*, 12368-71.

- Rivalry between upper and lower waters, *H. V. MacNamara* - - - - 12460

- Semi-annual state of bankruptcy, *J. G. Skipton* 11321

- Snipe not known might be increased, *S. C. P. Foxworth* - - - - 12337 60

Sub-Committees:

- Advocated, *M. Gleason*, 12455; *A. Mackay*, 12502

for Athlone districts:

- Advocated, *Col. H. Charlton* - - 11770-3

Formerly:

- Meetings of parent board not attended by, *A. Mackay* - - - 12503-9

- Particulars re, and revival desired, *E. H. Poe Hasford*, 11979-82, 12026-7, 12065-6

- Reference - - - - 12547

- Suggested by Board, but no advantage anticipated, *Capt. C. Clark* - 11940-1

- Must keep in touch with parent board, *A. Mackay* - - - 12522, 12528-9

- for Upper waters, objections, *J. G. Skipton*, 11948-57

- Work not well done, *L. Borden*, 10600-7; *H. V. MacNamara*, 12460; *A. Mackay*, 12545; *A. Parker*, 12505-6.

- Drift-netting, decline in number of nets since 1833, *E. W. L. Hall* - - - - 39

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- Increase in duty not advocated, *A. Wood Smyth* - - - - 12314-23, 12376

- Maximum charged and no alteration possible, *E. H. Poe Hasford* - - 12033-43, 12069-7

Limerick:

- Hatchery, see under Blackwater River.
Weir, see under Blackwater River.

Limerick district:

Barbiff:

- Increased staff needed owing to danger from revolvers, *E. E. Longfield* - - - 7203-5

- Number, *T. Doherty* - - - - 6912-3

- Spawning-beds in Blackwater tributaries preserved by, *J. Barry* - - - 7021-5

- Staff increased and accommodation supplied, on Blackwater, *T. Doherty* - - - 6903

Board of Commissioners:

- Chairman, see *Longfield*, R. E. - - 7209-7240

- Clerk, see *Doherty*, Thomas - - - 6910-7015

- No Complaint re, *E. E. Longfield* - 7203-4, 7271-3

- Contributions from tenant purchasers, question of, *J. Barry* - - - - 7021-5, 7026

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BOARD OF CONSERVATORS—continued

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Income would enable bigger staff to be employed, <i>R. E. Longfield</i>	7257-8
Sufficient, but income would be beneficial, <i>T. Drohan</i>	6923-6, 6861-3
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Net-men on, always reasonable, <i>R. E. Longfield</i>	7297-8
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Steam-launch kept in tidal waters of Blackwater, <i>T. Drohan</i>	6963
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Worms carried out by, on Blackwater River, <i>Col. T. T. Simpson</i> , 6963; <i>R. E. Longfield</i> , 7298	
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Close season, poaching should be strengthened during, <i>T. Drohan</i>	7012-7
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POLLING:

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Limerick, Lord (Jals):

Fishing granted, to Mr. Lane, free <i>C. Lane</i>	7474-9
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Land purchase on property of, extensive, <i>C. Lane</i>	7481-4
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Lisnaw, Earl of:

Blackwater River, fishing, particulars re, <i>Col. T. T. Simpson</i> , 6883-4; <i>T. Drohan</i> , 6942;	
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Lisnaw, Peale River:

Angling below, <i>W. M. McElligott</i>	9955-6
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Catch hole, poaching owing to mismanagement of grating at, <i>Mr. Hewson</i>	10036
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Formation of local Board of Conservators advisable, <i>Mr. Hewson</i>	10078
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FRESHWATER FISHING:

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Frontage owned by tenant purchasers failed by visitors, <i>W. M. McElligott</i>	9921
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Lethargy and lack of interest of local members of Limerick Board of Conservators, <i>L. Hewson</i>	10050-7
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Poached fish often sold at, vendors should be obliged to account for, <i>W. M. McElligott</i>	9996
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Salmon hatchery, see under Peale River	
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Trust streams, bailiffs should watch "defund ground" at Goulen in place of, <i>T. Hewson</i>	10022-3
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Lagan, J. W., M.P.:

Fishing taken by, on River Blackwater, <i>Col. T. T. Simpson</i> , 6814-5; <i>T. Slagford</i> , 7046-75;	
<i>J. Coleman</i> , 7144-7.	

Secretary, one of dams upset into Blackwater by, and results, <i>J. O'Brien</i>	7166-75
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LOGUE, PATRICK, tenant on Irwin estate, and head water-bailiff of Greenhills River

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GREENHILLS RIVER:

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Stream flowing into Lough Barra watched by-	3223
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London, see under England.

Londonderry and Denagel Coast:

Barrowport, fish brought off, brought to, and sent to London and other markets from, <i>J. Sweeney</i>	12684-5
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Drift or Bag Net, at mouth of river, method of using and injury caused by, <i>J. P. O'Donnell</i> , 12553-12564, 12567-73	
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Drift netting, during weekly close time, <i>T. McElroy</i>	12575-9
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DEAD NETS, EMPLOYED BY OWNERS AT MOUTH OF RIVERS:

Fish prevented from going up to spawn and quantity lost, <i>J. Sweeney</i>	12745
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Unharmful of, and injury to drift netting, <i>Sweeney, J.</i> , 12567-73, 12570-9, 12712-13; <i>J. P. O'Donnell</i> , 12553-5	
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DART SUCCESS:

Advisability of boats carrying a registered member, <i>A. King</i>	12633-4
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No Anonymous caused latterly by Conservators or Fyvie & Bann Co's boats, <i>W. Webber</i>	12646-10
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Average takings per boat for season, <i>J. P. O'Donnell</i>	12599-41, 12593-5
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Destruction would only mean substitution of
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District Inspector should be empowered to give
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